

2024:PHHC:050441

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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-7841-2021 (O&M)
Date of Decision: 15.04.2024

AVNEESH UPADHYAY AND OTHERS

...Petitioners

V/S

DEEPA RANI

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harkaran Singh, Advocate
for the petitioners.

Mr. J.P. Sharma, Advocate
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of Cr.P.C. seeking quashing of the criminal complaint bearing No. COMA/130/2017 dated 13.07.2017 (Annexure P-1) under Sections 12, 18, 19, 20, 22 of Protection of Women from Domestic Violence Act, 2005 and all other consequential proceedings arising therefrom pending in the Court of learned Judicial Magistrate Ist Class, Jagadhri.
2. In view of the settled law pronounced by the Hon’ble Supreme Court in *Kunappareddy Vs. Kunappareddy Swarna Kumari (2016) 11 SCC 774*, Full Bench of Madras High Court in *Arul Daniel and others Vs. Suganya, 2022 SCC Online Mad 5435* and by the Co-ordinate Bench of this Court in *Jaspal Kaur alias Pinki and others Vs. State of Punjab and others* in *CRM-M-19553-2023* decided on 24.04.2023, the provisions of the Code of Criminal Procedure, 1973 cannot be invoked to challenge proceedings emerging out of Protection of Women against Domestic Violence, 2005.

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3. Faced with this situation, learned counsel for the petitioners seeks liberty to invoke alternative appropriate remedy on the same cause of action in accordance with law for redressal of grievances raised in the present petition.
4. Dismissed as withdrawn with liberty aforesaid.
5. Pending CRM(s), if any, are also disposed of accordingly.

15.04.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No