



232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10114-2022

Date of decision: 03.10.2024

VINAY GUPTA @ VINAY KUMAR

...PETITIONER

V/S

JYOTI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. N.S. Gill, Advocate for
Mr. Munish Gupta, Advocate for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint bearing No.DV/73/2017 dated 24.04.2017 (Annexure P-1) titled as 'Jyoti vs. Vinay Gupta and others' filed by respondent under Section 12 of Protection of Women from Domestic Violence Act, 2005 and for quashing of orders dated 24.11.2020, 29.09.2021 and 07.12.2021 (Annexures P-8, P-7 and P-9 respectively) passed by learned Judicial Magistrate Ist Class, Gurugram.

2. Mr. Amitabh Tewari, Advocate has put in appearance on behalf of the respondent and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.

3. 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. In view of the above, learned counsel for the petitioner wishes to withdraw the present petition and 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 Dismissed as withdrawn with liberty as prayed for.

October 03, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |