

2024:PHHC:066652

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

316/B

**CRM-M-14352-2021(O&M)
Date of Decision: 13.05.2024**

SEEMA BHATNAGAR

...Petitioner

Versus

ANOOP SHARMA AND ANR

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. Gautam Dutt, Advocate
for the respondents.

HARPREET KAUR JEEWAN , J.

1. The present petition under Section 482 Cr.P.C. has been filed on behalf of the petitioner-wife raising a challenge for setting aside the order dated 21.01.2021(Annexure P-4) passed by the learned Additional Sessions Judge, Gurugram upholding the order dated 04.08.2020 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Gurugarm in criminal appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 in complaint No.DV/71/2020 dated 26.06.2020 under Section 12 read with Sections 17, 18, 19, 20, 22 and 23 of Protection of Women from Domestic Violence Act, 2005 granting only relief to the petitioner for payment of monthly rent of shared house.
2. There is no such order which is criminal in nature having been passed either by the Judicial Magistrate 1st Class, Gurugarm or Appellate Court, as such in view of the decision given by this Bench, in **CRM-M-58023-2023**, titled

CRM-M-14352-2021(O&M)

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Gautam Singal vs. Anju Singal, decided on 30.11.2023, the present petition is not mainatnable.

3. As such, learned counsel for the petitioner seeks to withdraw the present petition with liberty to avail alternate remedy available to the petitioner-wife as per law.
4. In view of the above, the present petition is dismissed as withdrawn with the aforesiad liberty.
5. Both the counsel for the parties having instructions from their clients are *ad idem* that no such application will be filed before the Area Magistrate for execution of the impugned orders for a period of one week from today.
6. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13.05.2024
P.Bhatt

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