



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237-3

CRM-M-17655-2018 (O&M)

Date of Decision: 09.08.2024

Rachna Devi and another

.... Petitioners

Versus

Hemant Sharma and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ashok Kumar Jindal, Advocate for the petitioners.

None for the respondents.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for modification of order dated 10.01.2018 passed by learned Sessions Judge, Gurugram (Annexure P-5) whereby appeal filed by the petitioners against order dated 08.05.2017 passed by learned Illaqa Magistrate/JMIC, Gurugram (Annexure P-3) in application of the petitioners under Section 23 of the Protection of Women from Domestic Violence Act, 2005 in Complaint Case No. DV/A1823/2016 dated 21.11.2016 titled as '*Smt. Rachna Devi and another vs. Hemant Sharma and others*' under Section 12 of the Protection of Women from Domestic Violence Act, 2005 pending before learned Illaqa Magistrate/JMIC, Gurugram has been partly allowed; and further praying for granting the petitioners interim maintenance by enhancing it to Rs.25,000/- per month and residential accommodation in matrimonial house etc. as described in the aforesaid application dated 16.11.2016 (Annexure P-2).

At the very outset, learned counsel for the petitioners submits that he may be permitted to withdraw the present petition with liberty to take recourse to the appropriate remedy within a period of four weeks from today, in accordance with law, in view of judgment dated 24.04.2023 passed by a Co-ordinate Bench of this Court in **CRM-M-19553-2023** titled as ‘*Jaspal Kaur alias Pinki and others vs. State of Punjab and another*’, wherein it has been held that ‘*the proceedings under Section 12 of the DV Act are civil in nature, therefore, a petition under Section 482 Cr.P.C. or revision under Section 397 Cr.P.C., assailing the order passed in complaint filed under the provisions of DV Act are not maintainable*’.

In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

Pending application, if any, stands disposed of.

09.08.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No