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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12679-2022
Date of decision: 06.08.2024

NISHA GUPTA AND ANOTHER

...PETITIONERS

V/S

VIJAYTA SHARMA

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Bhardwaj, Advocate for the petitioners.

Mr. Kunal Vinayak, Advocate for
Mr. Brij Mohan Vinayak, Advocate for the respondent.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of complaint i.e. COMA/735/2021 dated 23.09.2021 titled as ‘Vijayta Sharma vs. Vinay Sharma and others’ filed under Section 12 of Protection of Women From Domestic Violence Act, 2005 and for quashing of order dated 27.09.2021 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Amritsar.
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. In view of the above, learned counsel for the petitioners 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 Dismissed as withdrawn with liberty as prayed for.

August 06, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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