



229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1787-2017

Date of decision: 03.09.2024

JAGTAR SINGH

...PETITIONER

V/S

KULWINDER KAUR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sumit Kalyan, Advocate for
Mr. G.S. Madaan, Advocate
for the petitioner.

None for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been preferred against the impugned order dated 21.09.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana in case bearing COMP No.25109 of 2013, whereby application for grant of maintenance under Section 23 of Domestic Violence Act filed by the respondent stands allowed and judgment dated 13.04.2018 passed by learned Sessions Judge, Ludhiana, whereby appeal filed by the petitioner against the impugned judgment also stands dismissed.

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.

3. In view of the above, learned counsel appearing on behalf of 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 Dismissed as withdrawn with liberty as prayed for.

September 03, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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