

134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12929-2024 (O&M)

Date of Decision: 03.04.2024

RAMESH KUMAR AGGARWAL AND OTHERS

.....PETITIONERS

Vs.

SHELLY GUPTA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Lalit Pathak, Advocate, for the petitioners.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of a complaint bearing No. COMA/2169/2019 filed by the respondent before the Judicial Magistrate, Ludhiana, under Section 6 read with Sections 16, 17, 18, 20 and 22 of the Protection of Women From Domestic Violence Act, 2005 (for short '*the DV Act*'),

2. Learned counsel for the petitioner contends that there are chances of amicable settlement between the parties and therefore, his limited prayer is only that the matter may be sent to the Mediation and Conciliation Centre of this Court.

3. The only grievance of the petitioner is that he has been summoned by the Judicial Magistrate on the basis of a petition filed by the respondent under Section 6 read with Sections 16, 17, 18, 20 and 22 of the DV Act.

4. Keeping in view the ratio of the judgment passed by the co-ordinate Bench of this Court in CRM-M-19553-2023, titled Jaspal Kaur alias Pinki and others vs. State of Punjab and others, decided on 24.04.2023,

a petition under Section 482 Cr.P.C. is not maintainable against a petition under Section 12 or notice issued under Section 13 of the DV Act. It has been further observed that in case an application is filed seeking alteration/modification/revocation of the order passed under the DV Act, the Magistrate in terms of Section 25 of the DV Act is expected to pass an order, if parties are able to show change of circumstances.

5. Consequently, the present petition filed under Section 482 Cr.P.C. is not maintainable, the same is accordingly dismissed.

6. However, the petitioners would be at liberty to avail alternate remedy, as per law.

7. Since it is a matrimonial dispute, as such, it is expected that if a request is made for referring the matter for mediation, the same shall be considered by the Judicial Magistrate positively where the matter is pending.

8. Pending miscellaneous application (s), if any, shall also stand disposed of.

April 03, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking

Whether reportable

Yes
No