

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209+105

CRM-M-22387-2018 (O&M)

Date of Decision: 29.04.2024

Poonam Bassi

.... Petitioner

Versus

Sudhakar Bassi and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Shikha Khullar, Legal Aid Counsel
for the petitioner.

NIDHI GUPTA, J. (ORAL)

Prayer in this present petition filed under Section 407 (ii) read with 482 Cr.P.C. is for transfer of Execution Application under Section 128 Cr.P.C. bearing filing No. 452/2018 dated 06.04.2018 CNR No. PBPT030048172018, pending adjudication before the Courts at Patiala, to the Court of competent jurisdiction at Chandigarh as the petitioner is residing at Chandigarh with her son.

At the very outset, learned counsel for the petitioner submits that the present case emanates from the proceedings initiated under the provisions of the DV Act, therefore, she may be permitted to withdraw the present petition with liberty to take recourse to the appropriate remedy, 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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.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(s) if any also stand(s) disposed of.

29.04.2024

rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No