

CRM-M-24437-2017
Date of decision: 10.04.2024

...PETITIONERS

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Jaswal, Advocate
for the petitioners.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of order dated 02.06.2017 (Annexure P-8) passed by Judicial Magistrate Ist Class, Jalandhar, whereby the objections raised by the petitioners in execution application in petition under Section 31 of Protection of Women from Domestic Violence Act (hereinafter referred to as 'the Act') for enforcement of interim order dated 23.03.2015 for maintenance passed in complaint under Section 12 of the Act bearing COMA No.30991 of 2013 dated 11.09.2013 have been 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. Faced with this situation, learned counsel for the petitioners 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 Dismissed as withdrawn with liberty aforesaid.

April 10, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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