

217-3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15860-2023 (O & M)
Date of decision: 18.04.2024

KANWAR HARPREET SINGH BASSI

...PETITIONER

V/S

ROOHIE MAHAJAN AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Niharika Mittal, Advocate for
Mr. Vibhav Jain, Advocate for the petitioner.

Mr. Kunal Dawar, Advocate for respondent No.1.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the instant petition filed under Section 482 Cr.P.C. is for setting aside the order dated 03.02.2023 (Annexure P-14), whereby learned Additional Sessions Judge, Jalandhar has upheld the order dated 28.01.2022 passed by Magistrate in complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

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 Dismissed as withdrawn with liberty aforesaid.
5. Pending application(s), if any, also stand(s) disposed of.

April 18, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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