

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210+106

CRM-M-14537-2019 (O&M)

Date of Decision: 29.04.2024

Shivam Aggarwal

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. P.S. Hundal, Senior Advocate with
Mr. G.S. Hundal, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Sarfraj Hussain, Advocate for
Mr. Sarvjeet Thakur, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this present petition filed under Section 407 read with 482 Cr.P.C. is for transfer of Complaint Case No. 6032 dated 19.11.2018 (Annexure P-1) titled as 'Pallavi Aggarwal vs. Shivam Agarwal and others', filed under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act') from the Court of learned Judicial Magistrate Ist Class, Ludhiana to the other Court of competent jurisdiction outside District Ludhiana.

At the very outset, learned Senior Counsel for the petitioner submits that the present case emanates from the proceedings under the

provisions of the DV Act, therefore, he 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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.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