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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 08.04.2024

1. CRM-M-16391-2024 (O&M)

Kirna Devi and another

.. Petitioners

Vs.

Kamini Goyal

... Respondent

2. CRM-M-17002-2024 (O&M)

Sanjeev Bansal

... Petitioner

Vs.

Kamini Goyal

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Maini, Advocate
for the petitioner(s).

HARPREET SINGH BRAR, J. (ORAL)

1. This order shall dispose of aforementioned two petitions, which have been filed under Section 482 Cr.P.C. seeking quashing complaint bearing No.COMP/DV ACT/46/2024 dated 27.02.2024 (Annexure P-7) under Sections 12, 17, 18, 19, 20, 22 & 23 of the Protection of Women from

Domestic Violence Act, 2005 (for short 'the Act') titled as '*Kamini Goyal Vs. Sanjeev Bansal and others*', pending before the Court of learned Judicial Magistrate 1st Class, Chandigarh and summoning order dated 27.02.2024 (Annexure P-8).

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 the Act.

3. Faced with this situation, learned counsel for the petitioner(s) seeks liberty to invoke alternative appropriate remedy on the same cause of action, in accordance with law, for redressal of grievances raised in these petitions.

4. Accordingly, both these petitions are dismissed as withdrawn with liberty aforesaid.

[HARPREET SINGH BRAR]
JUDGE

08.04.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No