



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

251

CRM-M-30968-2016

Date of Decision: 13.08.2024

Shweta Sharma and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Mohd. Salim, Advocate for the petitioners.

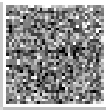
Mr. Aditya Pal Singla, AAG, Haryana.

Ms. Nandita Aggarwal, Advocate for
Mr. Sumeet Jain, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C., is for quashing of Complaint No. 152 dated 13.07.2016 (Annexure P-1), titled as 'Smt. Chitra Sharma vs. Shewta Sharma and others', filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005, pending adjudication before the learned Judicial Magistrate Ist Class, Gurgaon, as well as summoning order dated 13.07.2016 (Annexure P-2).

At the very outset, learned counsel for the petitioners submits that 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’*.

Vide order dated 02.09.2016, a co-ordinate Bench of this Court had exempted the personal appearance of the petitioners before the learned trial Court. The said order shall subsist for the next four weeks from today.

In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

Pending application(s), if any, stand disposed of.

13.08.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No