

139

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-17363-2024 (O&M)  
Date of decision: 08.04.2024

Sohan Lal and another

... Petitioners

Vs.

Rajwinder Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Puran Singh Hundal, Sr. Advocate with  
Mr. G.S. Hundal, Advocate  
for the petitioners.

\*\*\*\*\*

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of Complaint No.3/2023 dated 27.01.2023 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act') titled as *Rajwinder Kaur Vs. Kamaldeep Rahul and others*, pending before the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Nakodar and the summoning order dated 27.01.2023 (Annexure P-5) passed by learned Judicial Magistrate 1<sup>st</sup> Class, Nakodar.
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 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 Dismissed as withdrawn with liberty aforesaid.

08.04.2024  
vishnu

[ HARPREET SINGH BRAR ]  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No