



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-21217-2022 (O&M)

Date of Decision: 15.05.2024

SHRI CHAND

...Petitioner

V/S

BIMLA DEVI

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Gupta, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of order dated 10.12.2019 (Annexure P-3) whereby the appeal filed by the respondent has been partly allowed and order dated 17.01.2018 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Kurukshetra (in criminal complaint No. RBT/38 of 2016, Computer CIS No. Coma 1165/2013 date of institution: 14.12.2012/18.04.2016) has been modified by enhancing lumpsum compensation including litigation expenses from Rs. 50,000/- to Rs. 7,00,000/-.

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 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 Dismissed as withdrawn with liberty aforesaid.

15.05.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No