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CRM-M-20019-2024
Date of Decision: 23.04.2024

Manvir Singh

Versus

.... Petitioner

Sharanjeet Kaur and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Anil Kumar Garg, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

Prayer in this present petition filed under Section 482 Cr.P.C. is for quashing/setting aside the impugned order dated 12.02.2024 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Kharar, District SAS Nagar (Mohali) in Case No. COMA/72/2022 dated 17.08.2022 titled as ‘Sharanjeet Kaur vs. Manvir Singh and others’, filed under Sections 12, 17, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005 (for short ‘the DV Act’), vide which the defence of the petitioner was struck off.

At the very outset, learned counsel for the petitioner 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*’.

In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

23.04.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No