

MOHAN SINGH

...Petitioner

V/S

USHA

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arpit Gaur, Advocate
for Mr. Jagtar Kureel, Advocate
for the petitioner.

Mr. C.R. Narwal, Advocate for the respndent.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of Cr.P.C. seeking quashing of the impugned order dated 25.04.2018 (Annexure P-5) passed by learned Judicial Magistrate Ist Class, Hisar in Execution Case No. 154 instituted on 28.09.2016 titled as *Usha Vs. Mohan Singh* vide which application filed by respondent for deleting the word ‘received’ from Para No. 2 of execution petition has been allowed.
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 Dismissed as withdrawn with liberty aforesaid.

05.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No