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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1033-2024 (O&M)
Date of decision: 18.10.2024

Amrit Kaur and another

... Petitioners

Vs.

Eddyee Singh @ Aman Deep Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Tania Mahajan, Advocate for
Mr. Deepak Girotra, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

CRM- 40306-2024

1. Present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking recalling of the order dated 27.08.2024 and to restore the main petition.
2. In view of the averments made in the application, same is allowed. The order dated 27.08.2024 is hereby recalled and the main petition, which was dismissed for non-prosecution, is ordered to be restored



to its original number.

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3. The present revision petition has been preferred against the impugned order dated 15.01.2024 passed by learned Additional Sessions Judge, Gurugram, vide which the appeal filed by the respondent against the order dated 21.04.2022 passed by learned Judicial Magistrate 1st Class, Gurugram in complaint case bearing No.DV-174-2021 titled as '*Amrit Kaur and another Vs. Eddyee and another*', granting maintenance amount of Rs.20,000/- per month to respondent No.1 and Rs.15,000/- per month to respondent No.2, has been allowed.

4. 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 Code of Criminal Procedure, 1973 (now BNSS) cannot be invoked to challenge the proceedings emerging out of the Protection of Women from Domestic Violence Act, 2005.

5. Faced with this situation, learned counsel for the petitioners wishes to withdraw the present revision petition and seeks liberty to invoke



the alternative appropriate remedy on the same cause of action, in accordance with law, for redressal of grievances raised in the present petition.

6. Dismissed as withdrawn with liberty aforesaid.

18.10.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No