

114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19219-2024 (O&M)
Date of decision: 22.04.2024

Sumit Sharma and another

... Petitioners

Vs.

Rupali

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Paras Jagga, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of the order dated 16.07-2022 (Annexure P-1) passed by the learned Judicial Magistrate 1st Class, Patiala, vide which application under Sections 12(1), 18, 19, 20 & 22 of the Protection of Women from Domestic Violence Act, 2005 filed by the respondent, was allowed and interim maintenance of Rs.9,000/- per month was awarded to be paid to her.

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 petitioners wishes to withdraw the present petition and 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 Dismissed as withdrawn with liberty aforesaid.

22.04.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No