

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

109

Criminal Revision No.785 of 2024

Date of decision :-02.05.2024

Ritu and another

.....Petitioners

Versus

Rohit Kumar

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gurvinder Singh Aulakh, Advocate
for the petitioners.

NIDHI GUPTA J. (Oral)

Prayer in this present petition filed under Section 482 Cr.P.C. is for setting aside the impugned order dated 02.03.2024 passed by the learned Judicial Magistrate 1st Class, Dera Bassi in Case No.COMA-35-2021 titled as 'Ritu and another vs. Rohit Kumar and others', filed under Section 23 and other provisions of Domestic Violence Act (for short 'the DV Act'), vide which, respondent No.1 therein (respondent herein) was directed to pay Rs.40,000/- per month as maintenance to the petitioners from the date of filing of the application.

At the very outset, learned counsel for the petitioners 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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

May 02, 2024

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No