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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20219-2024 (O&M)
Date of decision: 24.04.2024

Rachana Srivastava

... Petitioner

Vs.

Sanjay Srivastava and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of order dated 07.11.2023 (Annexure P-1A) passed by learned Judicial Magistrate 1st Class, Gurugram, vide which evidence of the petitioner was closed and the order dated 05.03.2024, vide which application for recalling of order dated 07.11.2023 was also dismissed.
2. The case has been called twice. However, there is no representation on behalf of the petitioner.
3. 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 Cr.P.C. cannot be invoked to challenge proceedings emerging out of the Protection of Women from Domestic Violence Act, 2005.

3. Accordingly, present petition is disposed of and liberty is granted to the petitioner to invoke alternative appropriate remedy on the same cause of action, in accordance with law, for redressal of grievances raised in the present petition.

24.04.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No