

220 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40782-2018
Date of order: 02.05.2024

Vikas KumarPetitioner

Vs.

Renu Bala and anotherRespondents

BEFORE: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Nemo.

Nidhi Gupta, J. (Oral)

Prayer in this present petition filed under Section 482 Cr.P.C. is for quashing of order dated 06.09.2018 (Annexure P/1) passed by the learned Judicial Magistrate Ist Class, Kaithal in COMI No.60 of 2017 titled as Renu Bala vs. Vikas under Section 12 of the Domestic Violence Act, 2005 (for short – “the DV Act”) whereby the conditional warrant has been issued against the petitioner in criminal proceedings.

A perusal of the order sheet reveals that on the last date of hearing when the case was taken up on 04.12.2019, none had appeared on behalf of the petitioner. Thereafter the case was adjourned by order from time to time. Today also, position is the same as nobody appears on behalf of the petitioner.

It is pertinent to mention here that the present petition is not maintainable in view of the 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*

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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 position as noted above, the present petition is disposed of with liberty to the petitioner to take recourse to the appropriate remedy in accordance with law in view of the judgment as stated above. However, in case anything survives, liberty is also granted to the petitioner to revive the same, within a period of three months from today, if so advised.

02.05.2024
'Amit'

(Nidhi Gupta)
Judge

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>