

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

109

Criminal Misc. No. M-21543-2024

Date of decision :-01.05.2024

Baljit Kaur

.....Petitioner

Versus

Harbhajan Kaur and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajesh Kumar Dhiman, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this present petition filed under Section 482 Cr.P.C. is for transfer of the petition bearing No.COMA/818/2023 dated 14.09.2023 titled as 'Harbhajan Kaur vs. Baljit Kaur and others' (Annexure P-2) filed under Section 12 of Protection of Women from Domestic Violence Act, 2005, pending in the Court of the Judicial Magistrate 1st Class, Karnal, fixed for 22.07.2024 from the Court of the Judicial Magistrate 1st Class, Karnal (Haryana) to the Court of competent jurisdiction at Patiala (Punjab); as well as for staying the proceedings in the said petition.

At the very outset, learned counsel for the petitioner 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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.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 01, 2024
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No