

CRM-M-41870-2018 (O&M) -1-

2024:PHHC:074861



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-41870-2018 (O&M)

Date of Decision: 27.05.2024

Harjinder Kaur and others

.... Petitioners

Versus

Joginder Kaur

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rahul Bhargava, Advocate
for the petitioners.

Mr. Sanjeev Kumar Bawa, Advocate
for the respondent.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for seeking quashing of a criminal complaint No. COMA/320/2017 dated 03.06.2017 titled as 'Joginder Kaur vs. Harjinder Kaur' filed under Section 12 of Protection of Women from Domestic Violence Act, 2005 (Annexure P-1) pending in the Court of learned Chief Judicial Magistrate, Jalandhar as well as order passed in the said complaint whereby the notice of appearance was issued to the petitioners (Annexure P-2) alongwith all subsequent proceedings arising therefrom.

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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

In the meantime, interim order granted vide order dated 13.03.2020 by a coordinate Bench of this Court stands vacated.

Pending application, if any, also stands disposed of.

27.05.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No