2024:PHHC:065588

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

CRM-M-23589-2024
Date of decision: 10.05.2024

Sruthi Jain ....Petitioner

Versus

Deepak Jain and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Atul Yadav, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 16.09.2022 (Annexure P-1) passed by the learned Judicial Magistate 1st Class, Gurugram, whereby, the application under Section 91 of Cr.P.C. (Annexure P-3) filed by respondent No.1 has been allowed.

2. 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 the Code of Criminal Procedure, 1973 cannot be invoked to challenge proceedings emerging out of Protection of Women from Domestic Violence Act, 2005.

3. Faced with this situation, learned counsel for the petitioner seeks liberty to invoke alternative appropriate remedy on the same cause of action in accordance with law for redressal of grievances raised in the present petition.

4. Dismissed as withdrawn with liberty aforesaid.

(HARPREET SINGH BRAR)
JUDGE

10.05.2024
Neha Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

Neha
2024.05.10 16:19
I attest to the accuracy and
integrity of this document