



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

119

CRM-M-23907-2024

Date of Decision: 14.05.2024

Vinita Joshi

.... Petitioner

Versus

Damodar @ Nandu and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Kamal Joshi, Advocate
for the petitioner.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for setting aside the order dated 29.01.2024 (Annexure P-7) passed in CRA No. 159 of 2023, by the learned Additional District and Sessions Judge, Mohali; and also for modification of order dated 31.07.2023 (Annexure P-5) passed by the learned Judicial Magistrate 1st Class, SAS Nagar Mohali in Case No. DV ACT/41/2022 titled as 'Vinita Joshi vs. Damodar and another'.

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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

14.05.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No