

CRM-M-27459-2021 (O&M) -1-

2024:PHHC:093498



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-27459-2021 (O&M)

Date of Decision: 24.07.2024

Pooja Malhotra

.... Petitioner

Versus

Poonam Malhotra and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Deipa Asdhir Dubey, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 407 Cr.P.C. is for seeking transfer of the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 bearing COMP No. 2873/2020 dated 21.12.2020 titled as 'Poonam Malhotra vs. Pooja Malhotra' pending in the Court of Judicial Magistrate 1st Class, Faridabad (Annexure P-3) to the competent Court of Malerkotla, District Sangrur.

At the very outset, learned counsel for the petitioner submits that she 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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

Pending application, if any, also stands disposed of.

24.07.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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