

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209-A

CRM-M-6519-2014 (O&M)

Date of Decision: 29.04.2024

Poonam Bassi

.... Petitioner

Versus

Sudhakar Bassi and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Shikha Khullar, Legal Aid Counsel
for the petitioner.

NIDHI GUPTA, J. (ORAL)

Prayer in this present petition filed under Section 482 Cr.P.C. is for enhancement of the monthly amount of maintenance for the petitioner and her minor son, namely, Keshav to the extent of 2/3rd of the gross salary of respondent No. 1, from the date of filing of application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act') i.e. 01.04.2008, by modifying the order dated 11.11.2013 (Annexure P-3, passed by the learned Additional Sessions Judge, Patiala, vide which the maintenance amount was enhanced from Rs.12,000/- to Rs.20,000/- per month from the date of order passed by the learned trial Court i.e. 22.08.2012 (Annexure P-1).

At the very outset, learned counsel for the petitioner submits that the present case emanates from the proceedings initiated under the

provisions of the DV Act, therefore, 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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.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(s) if any also stand(s) disposed of.

29.04.2024

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(NIDHI GUPTA)

JUDGE

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