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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23944-2024

Date of decision: 13.05.2024

Dilpreet Singh Kainth

....Petitioner

Versus

Anjala Kainth and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Jasdeep Singh, Advocate
for the petitioner.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present petition has been filed under Section 407 read with Section 482 Cr.P.C. for transfer of case No. COMA-48535/2023 dated 1.09.2023 under Sections 12/17/18/19/20/22/23 of Protection of Women from Domestic Violence Act, 2005 titled as 'Anjala Kainth Vs. Dilpreet Singh Kainth and others' (Annexure P-3) from the Court of learned Judicial Magistrate, Ludhiana to the competent Court at District Mohali.

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 Dismissed as withdrawn with liberty aforesaid.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

13.05.2024
Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No