



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105

CRM-M-24362-2024

Date of Decision: 15.05.2024

Dr. Vinit Gupta and others

.... Petitioners

Versus

Dr. Rammy Garg

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Yogesh Goel, Advocate for the petitioners.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition filed under Section 407 Cr.P.C. is for seeking transfer of a criminal complaint No. COMA-4847-2024 dated 22.03.2024/27.03.2024 filed under Sections 12/13/17/18/19 of Protection of Women from Domestic Violence Act, 2005 titled as 'Rammy Garg Vs. Dr. Vinit Gupta and others (Annexure P-2) pending in the Court of learned Judicial Magistrate 1st Class, Ludhiana to any other competent Court having jurisdiction over matter at Dera Bassi, District SAS Nagar Mohali.

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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

15.05.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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