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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26083-2024 (O&M)
Date of decision: 22.05.2024

Paramjit Kaur

... Petitioner

Vs.

Gurmit Singh

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep K. Sharma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking issuance of appropriate directions to learned trial Court to expeditiously decide the application dated 24.04.2024 (Annexure P-3) for attachment of the properties of the respondent-JD and the application for staying the alienation of the properties of the respondent-JD by creating charge over the properties mentioned in the list properties, filed by the petitioner-decree holder (Annexure P-4) in CRM-3448-2023 titled as 'Paramjit Kaur Vs. Gurmit Singh' under Section 128 Cr.P.C. for enforcement and realization of the



amount of Rs.2,52,000/- from 07.09.2020 to 06.09.2023, as per the order dated 01.03.2023 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Jalandhar in complaint bearing No.COMA/272/2020.

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, provisions of Cr.P.C. cannot be invoked to challenge proceedings emerging out of the Act.

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 Dismissed as withdrawn with liberty aforesaid.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

22.05.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No