

2024:PHHC:057718
216 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRR-1959-2016 (O&M)
Date of Decision: 29.04.2024
SUNNY MALHOTRA @ NIKHIL MALHOTRA
...Petitioner

V/S

POOJA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. Present revision petition has been preferred against the judgment and order dated 04.05.2016 passed by learned Additional Sessions Judge, Ludhiana in Criminal Appeal No. 213 of 01.10.2015 in an appeal filed under Section 29 of Protection of Women from Domestic Violence Act, 2005 and order dated 11.09.2015 passed by learned Judicial Magistrate Ist Class, Ludhiana.

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 against Domestic Violence, 2005.

3. In view of the above, the present revision petition is dismissed. However, liberty is granted to the petitioner to invoke his alternative

appropriate remedy on the same cause of action in accordance with law for redressal of grievances raised in the present petition.

4. Pending CRM(s), if any, are also disposed of accordingly.

29.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No