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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27940-2024 (O&M)
Date of decision: 29.05.2024

Sukhdev Singh and others

... Petitioners

Vs.

Prabhpreet Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.D. Sharma, Advocate
for the petitioners.

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 quashing of complaint bearing No.COMA/1825/2023 instituted on 02.11.2023 titled as 'Prabhpreet Kaur Vs. Onkardeep Singh and others' under Sections 12, 18 & 23 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act'), pending before the Court of learned Additional Chief Judicial Magistrate, Amritsar and the order dated 02.11.2023 passed by learned trial Court (Annexure P-2), vide which the petitioners have been summoned to face the trial as well as all the subsequent proceedings initiated thereon.



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 petitioners 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 Dismissed as withdrawn with liberty aforesaid.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

29.05.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No