



124 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-28512-2024 (O&M)
Date of Decision: 31.05.2024

SANDEEP MALIK AND ANOTHER

...Petitioners

V/S

HIMANSHI SODHI

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Tripathi, Advocate
for the petitioners.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. praying for quashing of impugned summoning order dated 10.04.2024 passed by learned Judicial Magistrate Ist Class, Gurugram (Annexure P-2) as well as impugned complaint No. DV 112 dated 10.04.2024 titled as *Himanshu Sodhi Vs. Sandeep Malik and Others*.
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. 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 Dismissed as withdrawn with liberty aforesaid.

31.05.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No