

RITU

...Petitioner

V/S

AMIT AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. Instant revision petition has been preferred against the judgment dated 03.05.2018 passed by learned Additional Sessions Judge, Sonipat vide which Criminal appeal No. 27 RBT of 2017 against the judgment dated 23.03.2017 passed by the court of learned JMIC, Sonapat in petition No. 113/2 of 2012 titled as “Ritu Vs. Amit etc.” vide which an amount of Rs. 7,000/- per month was granted to the petitioner as maintenance allowance under the Protection of Women from Domestic Violence Act, 2005 from the date of order in addition to the amount which she was receiving under Section 125 Cr.P.C., but the relief of residence was declined.
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, present petition is dismissed being not maintainable. However, liberty is granted to the petitioner to invoke alternative

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

16.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

AJAY GOSWAMI
2024.04.18 09:34
I attest to the accuracy and
authenticity of this order/judgment