

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
201

CRR-3052-2018

Date of Decision: 02.08.2024

Gurdeep Singh Bajwa

.... Petitioner

Versus

Mandip Kaur and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

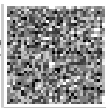
Present: - Mr.Om Pal Sharma, Advocate for the petitioner.

Mr. Baljinder Singh, Advocate for
Mr. Prateek Pandit, Advocate for respondent No. 1.

NIDHI GUPTA, J. (ORAL)

Challenge in the present revision petition is to the order dated 16.08.2018, passed by the learned Additional Sessions Judge, Kapurthala, whereby the appeal filed by the petitioner against the order dated 05.09.2017, passed by the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, directing the petitioner and respondent No. 2-husband to pay maintenance @ Rs.6000/- per month to respondent No. 1, in a proceeding under Section 23 of the Protection of Women from Domestic Violence Act, 2005, was **dismissed**.

At the very outset, learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to take recourse to the appropriate remedy, in accordance with law, in view



of judgment dated 24.04.2023 passed by a co-ordinate Bench of this Court in CRM-M-19553-2023, titled as ‘Jaspal Kaur Alias Pinki and others vs. State of Punjab and another’, wherein it has been held that ‘*the proceedings under Section 12 of the DV Act are civil in nature, therefore, a petition under Section 482 Cr.P.C. or revision under Section 397 Cr.P.C., assailing the order passed in complaint filed under the provisions of DV Act are not maintainable*’.

Vide order dated 20.04.2021, a co-ordinate Bench of this Court had stayed the proceedings before the Executing Court. The said order shall subsist for the next four weeks from today.

In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

02.08.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No