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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-54126-2023 in/and
CRR-3592-2018 (O&M)
Date of decision: 14.05.2024

Kaushambi

....Petitioner

Versus

Sukhdev and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Palvi, Advocate for
Mr. Ishan Gupta, Advocate
for the applicant/petitioner.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present revision petition has been filed for setting aside the impugned judgment dated 29.07.2017 passed by the learned Additional Sessions Judge, Faridabad in Criminal Appeal No.123 dated 28.10.2015/29.07.2017, dismissing the appeal assailing from the order dated 10.04.2015 passed by the learned Judicial Magistrate 1st Class, Faridabad in criminal complaint No. COMA/12872/2014 vide which the complaint under Section 12 of the Protection of Women from Domestic Violence Act, has been dismissed for non-prosecution.

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



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Procedure, 1973 cannot be invoked to challenge proceedings emerging out of Protection of Women from Domestic Violence Act, 2005.

3. Faced with this situation, learned counsel for the petitioner 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 Dismissed as withdrawn with liberty aforesaid.

5. Pending miscellaneous application(s), if any, also stand disposed of.

**(HARPREET SINGH BRAR)
JUDGE**

14.05.2024
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No