

MAYA DEVI

...Petitioner

V/S

VIJAY KUMAR

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kapil Khanna, Advocate
 for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of Cr.P.C. seeking modification of the order dated 28.07.2021(Annexure P-1) passed by learned Additional Sessions Judge, Jalandhar vide which order dated 08.08.2019 passed by learned Judicial Magistrate Ist Class, Jalandhar has been modified and house rent and maintenance have been enhanced to Rs. 4,000/- and Rs. 14,000/- to respondent.
2. Mr. Kapil Khanna, Advocate has put in appearance on behalf of the petitioner and filed his power of attorney with an endorsement of ‘No Objection’ from the earlier counsel. Same is taken on record.
3. 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.

4. 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.
5. Dismissed as withdrawn with liberty aforesaid.

05.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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