2024:PHHC:092567

217 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35435-2023
Date of decision: 23.07.2024

MANJU

...PETITIONER

V/S

KELA DEVI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. L.K. Narang, Advocate for the petitioner.

Mr. Shamsher Singh, Advocate and
Ms. Meena, Advocate for the respondent.

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HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition filed under Section 407 read with Section 482 Cr.P.C. is for transfer of petition filed by respondent-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 titled as 'Kela Devi vs. Manju' (COMA No.24 of 2022) (Annexure P-3) pending in the Court of learned Sub Divisional Judicial Magistrate, Kharkhoda to the Court of learned Sub Divisional Judicial Magistrate, Meham, District Rohtak.

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.

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order/judgment

3. In view of the above, learned counsel for the petitioner wishes to withdraw the present petition and 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 Dismissed as withdrawn with liberty as prayed for.

(HARPREET SINGH BRAR)
JUDGE

July 23, 2024
manisha

(i) Whether speaking/reasoned Yes/No

(ii) Whether reportable Yes/No

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