

2024:PHHC:055519

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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-41613-2021 (O&M)
Date of Decision: 24.04.2024

VIJAY PATIAL @ VICKY PATIAL AND ANOTHER

...Petitioners

V/S

MANU PATIAL

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Keshav Partap Singh, Advocate
for the petitioners.

Mr. Paritosh Vaid, Advocate
for respondent.

HARPREET SINGH BRAR J. (Oral)

1. Instant petition has been filed under Section 482 of Cr.P.C. seeking quashing of the complaint case bearing No. COMA/268 dated 04.09.2020/07.09.2020 filed under Section 12 of Protection of Women from Domestic Violence Act, 2005 and summoning order dated 07.09.2020 (Annexure P-3).
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. Faced with this situation, learned counsel for the petitioners 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 Dismissed as withdrawn with liberty aforesaid.

24.04.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(HARPREET SINGH BRAR)
JUDGE