



211 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-44397-2021 (O&M)

Date of Decision: 10.05.2024

RAM KUMAR AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking setting aside of the order of the Additional Sessions Judge, Yamuna Nagar at Jagadhari dated 23.09.2021 (Annexure P-2) allowing the revision petition challenging the order of learned Judicial Magistrate Ist Class, Nagar at Jagadhri dated 20.02.2020 (Annexure P-1) passed in application for interim relief under Section 19 read with Section 12 of Protection of Women from Domestic Violence Act, 2005.

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. In view of the above, present petition stands dismissed. However, liberty is granted to the petitioners to invoke alternative appropriate remedy on the same cause of action in accordance with law for redressal of grievances raised in the present petition.

10.05.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No