



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-38725-2024 (O&M)

Date of Decision: 12.08.2024

Ashok Kumar and others

.... Petitioners

Versus

Shivani

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Liaqat Ali, Advocate for the petitioners.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of the Complaint bearing No.COMA-98-2019 dated 08.07.2019 (Annexure P-5) titled as '*Shivani Vs. Kavish Kumar*' filed by the respondent under Section 13(1) of the Protection of Women from Domestic Violence Act, pending before learned Judicial Magistrate 1st Class, Gurdaspur.

At the very outset, learned counsel for the petitioners submits that he may be permitted to withdraw the present petition with liberty to take recourse to the appropriate remedy within a period of four weeks from today, in accordance with law, in view of judgment dated 24.04.2023 passed by a Co-ordinate Bench of this Court in **CRM-M-19553-2023** titled as '*Jaspal Kaur alias Pinki and others vs. State of Punjab and another*', wherein it has been held that '*the proceedings under Section 12 of the DV Act are civil in nature, therefore, a petition under Section 482 Cr.P.C. or revision under Section 397 Cr.P.C.,*

assailing the order passed in complaint filed under the provisions of DV Act are not maintainable’.

In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

Pending application, if any, stands disposed of.

12.08.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

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