



CRM-M-45017-2021

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-45017-2021

Date of Decision : 21.05.2024

**Mamta and another****...Petitioners****Versus****Monika Khanna and another****....Respondents****BEFORE: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Narinder Sharma, Advocate for the petitioners.

None for respondent No.1.

Mr. Gourav Vir Singh Behl, Advocate for respondent No.2.

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**NIDHI GUPTA, J. (ORAL)**

The present petition has been preferred under Section 482 Cr.P.C seeking quashing of the complaint case COMP DV ACT/172/2021 dated 13.07.2021 (Annexure P-5) under Section 12 of The Protection of Women from Domestic Violence Act 2005 as well as notice dated 13.08.2021 (Annexure P-6) issued under Section 12 of the said Act now pending for 22.09.2021 in the court of Ms. Lovejinder Kaur JMIC, Chandigarh and the subsequent proceedings arising there from qua the petitioners.

At the very outset, learned counsel for the petitioners submits that she may be permitted to withdraw the present petition with liberty to take recourse to the appropriate remedy, 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In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

May 21, 2024  
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(NIDHI GUPTA)  
JUDGE

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