



132

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39992-2024 (O&M)
Date of decision: 09.09.2024

Sunil Kumar

... Petitioner

Vs.

Savita

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhishek Bansal, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

CRM-35621-2024

1. This application has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking restoration of the main petition,
which was dismissed for non-prosecution vide order dated 20.08.2024.
2. In view of the averments made in the application, same is
allowed. The order dated 20.08.2024 is hereby recalled and the main
petition, which was dismissed for non-prosecution, is ordered to be restored
to its original number.

CRM-M-39992-2024

3. Present petition has been filed under Section 482 of the Code of

2024:PHHC:117474



Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of the order dated 30.04.2024 (Annexure P-4) passed by learned Special Judge-Additional Sessions Judge, Rohtak and the order dated 03.02.2022 (Annexure P-1) passed by learned learned Judicial Magistrate 1st Class, Rohtak.

4. 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 Cr.P.C. cannot be invoked to challenge proceedings emerging out of the Act.

5. Faced with this situation, learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to invoke the alternative appropriate remedy on the same cause of action, in accordance with law, for redressal of grievances raised in the present petition.

6. Dismissed as withdrawn with liberty aforesaid.

[HARPREET SINGH BRAR]
JUDGE

09.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No