

217-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49407-2022
Date of decision: 18.04.2024

ROOHIE MAHAJAN

...PETITIONER

V/S

KANWAR HARPREET SINGH BASSI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing/setting aside of order dated 08.02.2021 passed by learned Additional Sessions Judge, Jalandhar in CRA-165-2020 dated 13.03.2020 titled as 'Kanwar Harpreet Singh Bassi vs. Roohie Mahajan and others', whereby the appeal preferred by respondent No.1-husband against order dated 14.01.2020 passed by learned Chief Judicial Magistrate, NRI Cases, Jalandhar granting interim maintenance of Rs.2,00,000/- per month and restrain order in favour of the petitioner in an application under Section 12 of Protection of Women from Domestic Violence Act, 2005 has been allowed and order dated 14.01.2020 has been set aside with a further prayer to uphold the order dated 14.01.2020.

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 Dismissed as withdrawn with liberty aforesaid.

April 18, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No