



245 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-42053-2023 (O&M)

Date of Decision: 14.08.2024

RAM MEHAR AND OTHERS

...Petitioners

V/S

POOJA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Nain, Advocate
for Mr. R.N. Lohan, Advocate
for the petitioners.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in the present petition filed under Section 482 of Cr.P.C. is for quashing of criminal complaint No. 128/2023 dated 12.06.2023 (Annexure P-1) filed by respondent under Section 12 of Protection of Women from Domestic Violence Act, 2005 titled as '*Pooja Vs. Shri Kant and Others*' pending in the Court of learned Chief Judicial Magistrate, Sonapat and summoning order dated 05.07.2023 (Annexure P-2) and all the subsequent proceedings arising therefrom.

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 Dismissed as withdrawn with liberty aforesaid.

14.08.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No