

2024:PHHC:011429

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

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**CRM-M-43957 of 2023
Date of Decision:29.01.2024**

Vinod Rao

.....Petitioner(s)

Versus

State of U.T. Chandigarh and others

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shivjeet Singh Virk, Advocate,
for the petitioner.

Mr. P. S. Paul, Addl. PP. U.T. Chandigarh

SUDEEPTI SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of impugned order dated 28.09.2022 passed by the learned Judicial Magistrate Ist Class, Chandigarh vide which interim relief has been granted to respondent No.5 (herein).
2. On the last date of hearing i.e. on 04.09.2023, learned counsel for the petitioner had pointed out that an appeal against the order has also been preferred under Section 29 of the Protection of Women from Domestic Violence Act, which is still pending in the Court of learned Addl. Sessions Judge, Chandigarh. Upon a query put by this Court, learned counsel for the petitioner sought time to argue on the maintainability of the present petition.
3. Since the appeal has already been preferred and learned counsel for the petitioner has already availed the statutory remedy, so he cannot avail two remedies at a time.

4. Since the appeal of the petitioner is pending, this Court does not deem it appropriate to interfere in the impugned order dated 28.09.2022 passed by the learned Judicial Magistrate Ist Class, Chandigarh.
5. The present petition is dismissed accordingly.

(SUDEEPTI SHARMA)
JUDGE

January 29, 2024
dinesh

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