

CRM-M-41476-2024
Date of decision: 27.08.2024

...PETITIONER

...RESPONDENT

Present: Mr. Manoj Sharma, Advocate for
Mr. Sunil Polist, Advocate
for the petitioner.

1. Present petition has been filed under Section 528 of BNSS for quashing of order dated 19.04.2024 (Annexure P-4) passed by learned CJM, Kaithal in COMA/113/2022 titled as 'Sumit Devi vs. Vishnu' and other dated 25.07.2024 (Annexure P-6) passed by learned Sessions Judge, Kaithal in CRA/97/2024 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.

CRM-M-41476-2024

3. In view of the above, learned counsel appearing on behalf of the petitioner wishes to withdraw the present petition and 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 Dismissed as withdrawn with liberty as prayed for.

August 27, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No