



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

**CRR-2089-2022 (O & M)
Date of decision: 16.09.2024**

SANDEEP

...PETITIONER

V/S

NISHA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Kanojia, Advocate for the petitioner.

Mr. Gurmeet Singh, for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been preferred against the impugned order dated 06.08.2022 passed by learned Sub Divisional Judicial Magistrate, Kharkhoda, Sonapat, whereby, in a petition filed under Section 21 of Protection of Women from Domestic Violence Act, 2005, temporary custody of minor child has been given to wife of the petitioner and order dated 24.08.2022 passed by learned Additional Sessions Judge, Sonapat, whereby, appeal filed by the petitioner stands dismissed and aforesaid order has been upheld.

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. In view of the above, learned counsel for 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 Dismissed as withdrawn with liberty as prayed for.
5. Pending miscellaneous application(s), if any, also stand(s) disposed of.

September 16, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No