

2024:PHHC:118005



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44082-2024 (O&M)
Date of decision: 09.09.2024

Rachana Srivastava

... Petitioner

Vs.

Sanjay Srivastava and another

... Respondents

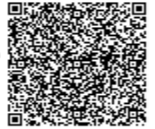
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Petitioner in person.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of the order dated 05.08.2024 (Annexure P-1) passed by learned Additional Sessions Judge, Gurugram, vide which the appeals filed by the petitioner and respondent against the order dated 30.04.2022 passed by learned Judicial Magistrate 1st Class, Gurugram, granting interim maintenance of Rs.50,000/- per month to the petitioner in the proceedings under the Protection of Women from Domestic Violence Act, 2005, have been dismissed.

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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 Cr.P.C. cannot be invoked to challenge proceedings emerging out of the Act.

3. Faced with this situation, learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to invoke the 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 Dismissed as withdrawn with liberty aforesaid.

[HARPREET SINGH BRAR]
JUDGE

09.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No