

243 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-46849-2023 (O&M)
Date of Decision: 09.04.2024

NEELAM SHARMA

...Petitioner

V/S

ARVIND RAZDAN AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Gurmandeep Singh Sullar, Advocate,
Ms. Devaki Anand Sullar, Advocate and
Mr. Iranpreet Singh, Advocate for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking setting aside of the order dated 25.07.2023 passed in criminal appeal bearing No. CRA-119-2022 CNR No. HRGR01-0009059-022 dated 31.05.2022 (Annexure P-2) whereby the appeal filed by the respondent appellants under Section 29 of the Protection of Women From Domestic Violence Act 2005 against the order dated 25.10.2021 passed by learned JMFC, Gurugram in case No. DV-225/2020 titled as *Neelam Sharma Vs. Arvind Razdan* has been set aside by the appellate Court.

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 the Protection of Women from Domestic Violence Act, 2005.

3. Faced with this situation, learned counsel for the petitioner 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 Dismissed as withdrawn with liberty aforesaid.

09.04.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(HARPREET SINGH BRAR)
JUDGE