



235(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-49388-2022 (O&M)

Date of Decision: 01.08.2024

SUNIL @ SUNIL GARG

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Vasundhara Dalal, Advocate
Legal Aid Counsel for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. R.S. Pathania, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed seeking quashing of complaining No. DV Act/263/2020 dated 23.11.2020 under Sections 12, 18, 19, 20, 21 and 22 of Protection of Women from Domestic Violence Act, 2005 in case titled as "***Seema Vs. Sunil Garg and Another***" filed before learned Judicial Magistrate Ist Class, Hisar.

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. 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 Dismissed as withdrawn with liberty aforesaid.
5. Pending CRM(s), if any, are also disposed of accordingly.

01.08.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No