

211
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49878-2022 (O&M)
Date of decision: 16.04.2024

Rajesh Kumar Singhal and others

... Petitioners

Vs.

Yashu

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amandeep Singh, Advocate for
Mr. Chanderhas Yadav, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 407 Cr.P.C. read with Section 482 Cr.P.C. seeking transfer of complaint bearing No.COMP/DV ACT/245/2022 dated 09.09.2022 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') read with Sections 18, 19, 20, 21 & 22 of DV Act titled as '*Yashu Vs. Rajesh Kumar Singhal and others*', pending before the Court of learned Judicial Magistrate 1st Class, Chandigarh to any other Court of competent jurisdiction at Jhajjar.
2. Mr. Balwinder Singh Sudan, Advocate appears on behalf of the respondent and files Memorandum of Appearance, which is taken on record.

3. 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 Act.

4. Faced with this situation, learned counsel for the petitioners 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.

5. Dismissed as withdrawn with liberty aforesaid.

[HARPREET SINGH BRAR]
JUDGE

16.04.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No