

214-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1772-2021
Date of decision: 15.04.2024

ROOP CHAND

...PETITIONER

V/S

PREETI AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.P.S. Ahluwalia, Advocate
for the petitioner.

Kuldeep Singh, Advocate for
Mr. D.V. Dhindsa, Advocate
for respondent No.1.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the instant petition is for setting aside the order dated 13.12.2021 passed by Sub-Divisional Judicial Magistrate, Naraingarh vide which, the petitioner has been directed to handover the custody of the minor child to the respondent No.1

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 petitioners 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 Dismissed as withdrawn with liberty aforesaid.

April 15, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No