



**109+222-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-9074-2024 in
CRR-2631-2019 (O & M)
Date of decision: 20.08.2024**

SUNNY

...PETITIONER

V/S

HEMLATA @ NEETU

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lalit Pathak, Advocate for
Mr. Simranjeet Singh, Advocate for the petitioner.

Mr. Jitender Kumar Sehrawat, Advocate for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been preferred against the judgment dated 26.08.2019 passed by learned Additional Sessions Judge, Hisar in Criminal Appeal No.29 of 2019 titled 'Sunny vs. Hemlata *alias* Neetu', vide which, appeal of the petitioner has been dismissed and order dated 13.03.2019 (Annexure P-5), passed by learned Judicial Magistrate Ist Class, Hisar in case bearing No.179 of 2018 titled as 'Hemlata *alias* Neetu vs. Sunny and others', whereby interim maintenance of Rs.35,000/- per month granted to respondent wife, has been upheld 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 Protection of Women against Domestic Violence, 2005.

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3. In view of the above, learned counsel for the petitioner 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.
4. Dismissed as withdrawn with liberty as prayed for.
5. Pending miscellaneous application(s), if any, also stand(s) disposed of.

August 20, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- (i) Whether speaking/reasoned

Yes/No
- (ii) Whether reportable

Yes/No