

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52300-2024
Date of decision: 21.10.2024

VickyPetitioner
Versus
State of Punjab and another ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Robin Sathi, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 read with Section 482 Cr.P.C. seeking
quashing of impugned order dated 20.05.2024 (Annexure P-4) passed by the
learned Sub Divisional Judicial Magistrate, Nangal in COMA-6-2021.

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 from Domestic Violence Act, 2005.

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.

Dismissed as withdrawn with liberty aforesaid.

(HARPREET SINGH BRAR)
JUDGE

21.10.2024

Neha Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No