

2024:PHHC:045803

202(2)IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-48880-2023 (O&M)
Date of Decision: 04.04.2024

ARVIND SHARMA AND ANOTHER

...Petitioners

V/S

REENA SHARMA

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pranav Handa, Advocate
for the petitioners.

Ms. Shikha Khullar, Advocate
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 482 of Cr.P.C. seeking quashing of the complaint bearing No. COMA/408/2018 dated 30.08.2018 (Annexure P-1) under Section 12 of Protection of Women from Domestic Violence Act, 2005 titled as **“Reena Sharma Vs. Deepak Kumar and Others”** pending in the Court of learned Judicial Magistrate Ist Class, Jalandhar, qua the petitioners and all other consequential proceedings arising therefrom.
2. Ms. Shikha Khullar, Advocate has put in appearance on behalf of the respondent and files her power of attorney. Same 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 Protection of Women against Domestic Violence, 2005.

4. 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.
5. Dismissed as withdrawn with liberty aforesaid.

04.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No