

2024:PHHC:051059

219IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRR-2584-2022 (O&M)
Date of Decision: 16.04.2024

ANUJ KUMAR LOHIA AND OTHERS

...Petitioners

V/S

PINKI

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tushar Gera, Advocate for
Ms. Deepa Singh, Advocate
for the petitioners.

Mr. Balraj Singh, Advocate
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. Present revision petition has been preferred against the judgment dated 21.09.2022 passed by learned Additional Sessions Judge, Gurugram, whereby appeal preferred by the respondent against the judgment dated 11.07.2018 passed by learned Judicial Magistrate Ist Class, Gurugram in domestic violence complaint being DV-41-2017 filed under Section 12 of the Protection of Women from Domestic Violence Act 2005 has been allowed.
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 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.
4. Dismissed as withdrawn with liberty aforesaid.
5. Pending CRM(s), if any, are also disposed of accordingly.

16.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No