

114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51853-2024 (O&M)
Date of decision: 25.10.2024

Rajesh Chaudhary

... Petitioner

Vs.

Komal

... Respondent

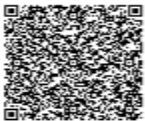
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Simar Bedi, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [*erstwhile Section 482 of
the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*] seeking quashing
of Domestic Incident Report under Section 9(b) & 37(2)(c) of the Protection
of Women from Domestic Violence Act, 2005 and all the consequential
proceedings arising therefrom.

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 BNSS (*erstwhile Cr.P.C.*) cannot be invoked to challenge proceedings emerging out of the Act.

3. Faced with this situation, learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to invoke the 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 Dismissed as withdrawn with liberty aforesaid.

25.10.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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