



217-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55801-2023

Date of decision: 05.09.2024

MOHIT KAMBOJ

...PETITIONER

V/S

ALKA KAMBOJ

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure read with Section 407 of Cr.P.C. for transfer of complaint No.31/2021 dated 04.02.2021 registered under Sections 12, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act, 2005 pending in the Court of learned Magistrate, Dera Bassi to some Court of competent jurisdiction at Yamuana Nagar. It is submitted that the petitioner is apprehending danger to life and liberty at the hands of respondent and her family members, who are threatening the petitioner to face dire consequences.

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 Dismissed as withdrawn with liberty as prayed for.

September 05, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No