



240 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRR-2930-2022 (O&M)

Date of Decision: 31.07.2024

PARDEEP KUMAR AND ANOTHER

...Petitioners

V/S

ANITA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kartik, Advocate
for the petitioners.

HARPREET SINGH BRAR J. (Oral)

1. Petitioners are seeking setting aside of the judgment dated 28.04.2022 passed by learned Additional Sessions Judge, Bhiwani and also seeking setting aside of the order dated 18.01.2018 passed by learned Judicial Magistrate Ist Class, Tosham, vide which petitioners have been directed to pay monthly maintenance of Rs. 10,000/-.
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 petitioners 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 Dismissed as withdrawn with liberty aforesaid.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.

31.07.2024

Ajay Goswami

Whether speaking/reasoned

Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No