



216 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRR-2714-2023 (O&M)

Date of Decision: 17.09.2024

INDU AND ANOTHER

...Petitioners

V/S

DALIP KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Prateek Singh, Advocate
for the petitioners.

Dr. Anand Bishnoi, Advocate for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. The petitioners are seeking removal of the observations made by the Court of learned Additional Sessions Judge, Gurugram in criminal complaint No. 38 and 39 of 2021 filed by both the parties against the order dated 16.02.2021, whereby interim maintenance to the tune of Rs. 20,000/- per month was directed to be paid to the present petitioners by the respondent.

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 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 Dismissed as withdrawn with liberty aforesaid.

17.09.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No