

2024:PHHC:049112

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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-2355-2024 (O&M)
Date of Decision: 10.04.2024

KIRAN BUDHWAL AND ANOTHER

...Petitioners

V/S

MANJIT KAUR

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manjot Singh Rai, Advocate
for the petitioners.

Mr. Gagandeep Goel, Advocate (through V.C.)
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 482 of Cr.P.C. seeking quashing of the order dated 14.08.2023 passed by learned Judicial Magistrate Ist Class, Roopnagar in case bearing CIS No. COMA-89-2023 dated 14.08.2023 titled as *Manjit Kaur Vs. Nikita and Others* and consequently quashing of the complaint qua the petitioners.
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 Dismissed as withdrawn with liberty aforesaid.

10.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No