



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CR No.5778 of 2024 (O&M)
Date of Decision: 03.02.2025

Kalawati and another

...Petitioners

Vs

Raj Bala and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioners.

VIKRAM AGGARWAL, J (ORAL)

Learned counsel for the petitioners submits that the petitioners had initially filed CRR No. 416 of 2022. However, the same was withdrawn on 23.07.2024 in view of the judgment in *Jaspal Kaur @ Pinki and another Vs. State of Punjab and another, CRM-M-19553 of 2023*, wherein it was held that the only remedy against proceedings arising out of a complaint filed under the Domestic Violence Act, 2005, would be to file a civil revision. He submits that however, subsequently the Division Bench of this High Court has pronounced judgment in the case of *Hemant Bhagat and others Vs. Prekshi Sood Bhagat (CR No. 3407 of 2024 and other connected matters) on 25.10.2024*, wherein it has been held that even a petition under Section 482 of Cr.P.C./ 528 of B.N.N.S., would be maintainable except where the provisions of the Act of 2005 had been invoked in proceedings pending before the Civil Court or Family Court. He submits that for, in the present case, a complaint had been filed, a criminal revision or a petition under Section 482 Cr.P.C, would be maintainable.

2. He submits that in view of the above, he may be permitted to withdraw the present revision petition as he intends to file an application for revival of CRR No. 416 of 2022s in view of the judgment referred to above.

Dismissed as withdrawn.

(VIKRAM AGGARWAL)
JUDGE

February 03, 2025

Rekha

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