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THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.12121 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners (respondent Nos.1 to 5 in DVC) to quash the proceedings in D.V.C.No.77 of 2015 (for short, 'DVC') on the file of the Judicial Magistrate of First Class-cum-Special Mobile Court, Guntur District.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the second respondent filed D.V.C.No.77 of 2015 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act'), against the petitioners, claiming various reliefs under Sections 18 to 22 of the Act.

4. As per the principle enunciated in ***Valisetti Chandra Rekha v. State of Andhra Pradesh***[1], ***Mohit Yadam v. State of Andhra Pradesh***[2] *and* ***Mohd. Akber Yaseen v. Rizwana Sultana***[3], the reliefs sought under Sections 18 to 22 of the Act are purely civil in nature and there is no element of criminality therein.

5. In the instant case also the reliefs sought by the second respondent are purely civil in nature and there is no element of criminality. A perusal of the record *prima facie* reveals the role played by the petitioners. Whether the second respondent is entitled to claim any relief from the petitioners or not will be decided after full-fledged trial. In such circumstances, the maintainability of the present petition under Section 482 Cr.P.C. is very much doubtful.

6. Having regard to the facts and circumstances of the case and

also the principle enunciated in the cases cited supra, I am of the considered view that it is not a fit case to quash the proceedings against the petitioners/respondent Nos.1 to 5 in DVC.

7. Learned counsel for the petitioners submitted that petitioner Nos.2 and 3 are residing at Chennai and petitioner Nos.4 and 5 are residing in New Delhi, therefore, they are facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, their presence may be dispensed with.

8. Petitioner Nos.2 to 5 are the blood relatives of petitioner No.1. There is no dispute with regard to the identity of petitioner Nos.2 to 5. Even if the presence of petitioner Nos.2 to 5 is dispensed with, no prejudice will be caused to the second respondent.

9. Hence, the presence of petitioner Nos.2 to 5, who are respondent Nos.2 to 5 in D.V.C.No.77 of 2015 on the file of the Judicial Magistrate of First Class-cum-Special Mobile Court, Guntur District, is hereby dispensed with on each and every date of adjournment. However, they shall appear before the trial Court as and when their presence is so required.

10. With the above observation, the Criminal Petition is dismissed. However, the dismissal of this petition does not preclude petitioner No.1 to avail the remedies available to him under law.

11. Consequently, Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

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T. SUNIL CHOWDARY, J

Date: 20.11.2015
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[1] 2010 (2) ALD (Crl.) 689 (AP)
[2] 2010 (1) ALD (Crl.) 1 (AP)

[3] 2010 (2) ALD (Crl.) 680 (AP)