

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.35792 of 2015

ORDER:

This writ petition was filed with the following prayer:

“For the reasons stated in the accompanying affidavit, it is prayed that this Honourable High Court may kindly be pleased to pass an order, or orders, direction or directions, or issue a writ, more particularly in the nature of Writ of Certiorari declaring the action of the respondents in initiating the proceeding against the petitioner Nos.1 and 2 herein under Section 12 of DVC Act vide DVC No.25 of 2015 before the Honourable Additional Judicial Magistrate of First Class at Nirmal, District Adilabad, on false and baseless allegations is abusive process of law, and further declare that the action of respondent No.3 in making false allegations against petitioner Nos.1 and 2 to extract money and further action of respondent No.2 in giving false report to Magistrate about so called domestic violence is illegal, arbitrary, violative of Article 14, 21 of the Constitution of India and against the mandatory provisions of the Protection of Women from Domestic Violence Act 2005, and consequently quash the proceedings of DVC 25 of 2015 on the file of the Honourable Additional JFCM Nirmal against Petitioner Nos.1 and 2 herein, and to pass any such other order or orders as deemed fit and proper in the circumstances of the case.”

Perusal of the affidavit filed in support of the writ petition discloses that no jurisdictional issue has been raised and it is the case of the petitioners that they are not liable to be impleaded as parties to the Domestic Violence Case. However, it is noticed that the prayer in the said case is for protection orders apart from maintenance. That being so, it is for the petitioners to face the proceedings in the Domestic Violence Case and no cause is made out for quashing the proceedings therein at the threshold.

The writ petition is misconceived and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date:03.11.2015

GJ