

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.5701 of 2015

ORDER:

The criminal petition is filed by the petitioners/respondents 2 to 4 in D.V.C. No.1 of 2014, under Section 482 Cr.P.C., to quash the proceedings initiated against them in D.V.C. No.1 of 2014 on the file of the Court of the Additional Judicial First Class Magistrate, Mahabubabad.

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor, representing the State.

The allegations mentioned in the domestic violence case (for short, 'the DVC') clearly reveal a *prima facie* case against the petitioners for the offence punishable under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005 (Act 43 of 2005). The truth or otherwise of the allegations can only be decided at the time of disposal of D.V.C. No.1 of 2014 after conducting full fledged trial. This Court is not supposed to make a roving enquiry into the allegations in the DVC. I absolutely see no valid ground to quash the proceedings in the said DVC.

Learned counsel for the petitioners submits that it will be difficult for the petitioners herein to attend for each and every adjournment in the above case and hence, prays that the presence of the petitioners may be dispensed with.

In view of the said submission the Criminal Petition is disposed of. The Court below shall proceed with trial, however, it shall not insist the presence of petitioners herein/respondents 2 to 4 in D.V.C. No.1 of 2014 for each and every adjournment, unless their presence is necessary for any specific purpose.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 30.06.2015
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