

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.13901 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner, who is respondent No.2 in D.V.C.No.93 of 2015 on the file of the Court of III Metropolitan Magistrate, at Erramanzil, Hyderabad.

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

3. A perusal of the record reveals that the first respondent filed a petition under Section 12 of the Protection of Women from Domestic Violence Act (for short 'the Act') against the petitioner and another claiming various reliefs under the Act. The learned Magistrate after satisfying himself with the material placed before him has taken the case on file and numbered it as DVC 93 of 2015 and issued summons to the respondents.

3. As per the principle enunciated in Valisetti Chandra Rekha v. State of Andhra Pradesh^[1], Mohit Yadav 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.

4. In the instant case also the reliefs sought by the first respondent are purely civil in nature without any element of criminality. Whether the first respondent is entitled to claim reliefs against the petitioner or not has to be decided during the course of trial only. A perusal of the record reveals the role played by the

petitioner. If this Court expresses any opinion touching the merits of the case, the same will cause prejudice to either of the parties. In such circumstances, the maintainability of the present petition under Section 482 Cr.P.C. is very much doubtful.

5. 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 petitioner/respondent No.2 in DVC No.93 of 2015.

6. Learned counsel for the petitioner submitted that the petitioner is facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, her presence may be dispensed with.

7. There is no dispute with regard to the identity of petitioner /respondent No.2. Even if the presence of the petitioner is dispensed with, no prejudice would be caused to the first respondent.

8. Hence, the presence of petitioner/respondent No.2 in D.V.C.No.93 of 2015 before the Court of III Metropolitan Magistrate, at Erramanzil, Hyderabad, is hereby dispensed with on each and every date of adjournment. However, the petitioner shall appear before the trial Court as and when her presence is so required.

9. With the above observation, the Criminal Petition is dismissed.

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

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T. SUNIL CHOWDARY, J

Date:29.12.2015

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[\[1\]](#) 2010 (2) ALD (CrI.) 689 (AP)

[\[2\]](#) 2010 (1) ALD (CrI.) 1 (AP)

[\[3\]](#) 2010 (2) ALD (CrI.) 680 (AP)