

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.12104 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners (respondent Nos.1 to 3 in DVC) to quash the proceedings in D.V.C.No.33 of 2015 (for short 'DVC') on the file of the Judicial First Class Magistrate, Mahabubnagar, Mahabubnagar 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 herein filed a petition under Section 12 of the Protection of Women from Domestic Violence Act claiming various reliefs from the petitioners under Sections 19, 20, 21 and 22 of the DVC Act. Whether the second respondent is entitled to claim the reliefs from the petitioners or not will be decided after full fledged trial.

4. As per the principle enunciated in **Valisetti Chandra Rekha v. State of Andhra Pradesh, Mohit Yadav v. State of Andhra Pradesh, Mohd. Akber Yaseen v. Rizwana Sultana** and **Mangesh Sawant v Minal Vijay Bhosale**, the reliefs under Sections 18 to 23 of DV Act are civil in nature and there is no element of criminality therein. Therefore, the maintainability of present petition is very much doubtful. A perusal of the complaint *prima facie* reveals the role played by the petitioners herein.

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 petitioners/respondent Nos.1 to 3 in DVC.

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

7. There is no dispute with regard to the identity of the petitioners. Even if the presence of the petitioners 2 and 3/respondent Nos.2 and 3 is dispensed with,

no prejudice would be caused to the second respondent. Hence this Court is inclined to dispense with the presence of petitioners 2 and 3/respondents 2 and 3 in DVC.

8. Having regard to the facts and circumstances of the case, the presence of the petitioners 2 and 3, who are respondent Nos.2 and 3 in D.V.C.No.33 of 2015 on the file of the Judicial Magistrate of First Class, Mahabubnagar, Mahabubnagar District, is hereby dispensed with on each and every date of adjournment. However, the petitioners shall appear before the trial Court as and when their presence is so required.

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