

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.13730 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/respondent Nos.1 to 3 in D.V.C.No.53 of 2015 on the file of the Court of VI Additional Judicial First Class Magistrate at Rajahmundry.

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 petitioners are respondent Nos.1 to 3 and the second respondent is the petitioner in D.V.C.No.53 of 2015. A perusal of the record further reveals that the second respondent filed a petition 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. The learned Magistrate, after satisfying himself with the material placed before him, has taken the case on file and numbered it as D.V.C.No.53 of 2015.

4. As per the principle enunciated in ***Valisetti Chandra Rekha v. State of Andhra Pradesh, Mohit Yadav v. State of Andhra Pradesh and Mohd. Akber Yaseen v. Rizwana Sultana***, 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 the reliefs from the petitioners or not will be decided after full-fledged trial only. 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 3 in D.V.C.No.53 of 2015.

7. Learned counsel for the petitioners submitted that petitioner Nos.2 and 3 are facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, their presence may be dispensed with.

8. There is no dispute with regard to the identity of petitioner Nos.2 and 3. Even if their presence is dispensed with, no prejudice will be caused to the second respondent.

9. Hence, this Court is inclined to dispense with the presence of petitioner Nos.2 and 3, who are respondent Nos.2 and 3 in D.V.C.No.53 of 2015, before the trial Court 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.

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

T. SUNIL CHOWDARY, J

Date: 22.12.2015

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