

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL PETITION No.3301 OF 2015

Between:

Uppu Srinivas & 4 others

... Petitioners/ Respondents

and

Uppu Sarojana & another

... Respondents/ Respondents

DATE OF JUDGEMENT PRONOUNCED: 31-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

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HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.3301 of 2015

ORDER :

The Criminal petition is filed by the petitioners/ respondents under Section 482 Cr.P.C to quash the proceedings in CrI.M.P.No.113 of 2015 in D.V.C. No.9 of 2015 on the file of Judicial Magistrate of First Class at Manthani, Karimnagar District.

2. Heard the learned counsel for petitioners, who are respondents in DVC No.9 of 2015 as well as in CrI.M.P.No.113 of 2015 for interim maintenance and also 1st respondent, who is petitioner in DVC No.9 of 2015 and 2nd respondent—State represented by learned Public Prosecutor and perused the material on record.

3. A perusal of the record shows that the DVC application filed for interim maintenance in CrI.M.P.No.113 of 2015 with verification date of petition as 25.02.2015 and the order passed by the learned Judge is on the same day. There is nothing to show for saying respondents absent as to any service of notice or ordering much less their appearance in the main DVC case, thereby the order is unsustainable and the same is accordingly set-aside, by directing the learned Magistrate to enquire afresh the CrI.M.P.No.113 of 2015 if necessary, or else as the DVC proceedings are summary in nature and it can be disposed of subject to any counter. The DVC itself may be disposed of within one month from the date of receipt of the order. Needless to say if the respondents file any application under Rule 37 Cr.R.P., the learned Magistrate can permit one of them to represent the others. In view of the directions of this court, this Court is not entertaining any application on maintainability of DVC as appeal remedy is available which is efficacious as laid down by the Apex Court in ***State of Haryana vs Bhajanlal***^[1].

4. Miscellaneous petitions pending, if any, in the Criminal
Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

31.07.2015
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HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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CRIMINAL PETITION No.3301 of 2015

Date:31.07.2015

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[\[1\]](#) AIR 1992 SC 604