HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.791 of 2013

ORDER :

This Criminal Petition is filed by the petitioners under Section 482 Cr.P.C seeking to quash the proceedings in D.V.C. No.39 of 2012 on the file of XI Metropolitan Magistrate Court, L.B.Nagar, Ranga Reddy District.

2) Heard the learned counsel for petitioners and the learned Public Prosecutor for the State and perused the material on record. The contention of the learned counsel for the petitioners already covered by the expression of this Court in ***Gaddameedi Nagamani V. The State of Telangana rep. by Public Prosecutor*** (Crl.P (SR) Nos.22371 of 2015 and batch), the application to quash the D.V.C. proceedings is not sustainable from the efficacious appeal remedy is available under Section 29 of the Domestic Violence Act.

4) In view of the above, the Criminal Petition is disposed of giving liberty to the petitioners to move the trial Court to dispense with their personal presence of all petitioners but for one by invoking Rule 37 of Criminal Rules of Practice or Section 205 Cr.P.C or Section 126(2) Cr.P.C if not dispensed with under

Section 126(2) Cr.P.C of their presence to record the evidence in the presence of their advocate and in such an event, the learned Magistrate after hearing shall consider and allow the same with necessary conditions. Needless to say as the petitioners instead of filing an appeal before the Sessions Judge approached this Court, the appellate Court can entertain the appeal without insisting the limitation period by invoking Section 14 of the Limitation Act.

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

Dr. B. SIVA SANKARA RAO, J

23.11.2015

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