

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**  
**Crl.P.No.3422 of 2015**

**ORDER :**

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner No.2 (the petition against petitioner No.1 is dismissed as withdrawn vide Court order dated 01.04.2014) in D.V.C.No.15 of 2014 on the file of the Hon'ble VIII Metropolitan Magistrate, Cyberabad, at Rajendranagar, Ranga Reddy, praying to call for records in the said case and quash the proceedings in it.

2. Heard the learned counsel for the petitioner so also the learned Public Prosecutor representing State-2<sup>nd</sup> respondent. Notice sent to the 1<sup>st</sup> respondent and proof of service as stated filed but she did not appear. As there is alternative and efficacious remedy under Section 29 of the Protection of Women from Domestic Violence Act, to maintain an appeal against cognizance taken by the learned Magistrate impugning of an order to maintain appeal against.

3. With the above observation, the Criminal Petition is disposed of by giving liberty to file appeal with an application under Section 14 of the Limitation Act to condone the period of delay in filing beyond one month. Else, is to proceed with enquiry before the learned Magistrate concerned. Needless to say if any application filed under Section 205 or 126(2) Cr.P.C., the learned Magistrate after hearing both the parties to consider the same with necessary conditions including for personal appearance as and when required. Miscellaneous applications, if any, pending in this Petition shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

**Date: 23.06.2015**  
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