

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7976 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioners/petitioners under Section 482 Cr.P.C seeking to quash the proceedings in CrI.M.P.No.383 of 2014 in D.V.C. No.31 of 2010 on the file of Judicial Magistrate of the First Class, Chintalapudi, West Godavari District wherein the petitioners seeks to reopen the case and issue notice to the S.H.O, Tadikalapudi Police Station to produce document and give evidence in the Court and the same was dismissed by the learned Magistrate.

2) Heard the learned counsel for petitioners 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*** (CrI.P (SR) Nos.22371 of 2015 and batch, dated 17.07.2015), that an efficacious remedy of appeal under Section 29 of the Prevention of Women from Domestic Violence Act is available against any order of Magistrate including on taking cognizance and numbering of D.V.C and issuing summons for appearance of respondents. It is needless to say from the above that against the dismissal order in CrI.M.P.No.383 of 2014 in D.V.C. No.31 of 2010 the remedy is to file an appeal as per Section 29 of the Act. In fact, the Apex Court in ***State of Haryana v. Bhajan Lal*** laid down the seven guidelines which include showing of no other alternative or efficacious remedy as per clause (f) of (a to g) to maintain the quash proceedings. Here, once there is an efficacious appeal remedy provided for the relief sought, such order to impugn before Court of Sessions, this Court is not inclined to stretch its hand to admit the application.

3) In the result, the Criminal Petition is disposed of rather than dismissal with a direction to file appeal against the impugned order with application under Section 14 of the Limitation Act for any delay after one month statutory period of limitation to condone for the bonafide prosecution in wrong Court, for hearing

and consideration by virtue of this order.

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

Dr. B. SIVA SANKARA RAO, J

Dt.14th September, 2015

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