THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12125 of 2015

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., by the petitioners (respondent Nos.2 and 4 to 8 in DVC), to quash the proceedings in D.V.C. No.16 of 2015 on the file of the Court of X Metropolitan Magistrate, Malkajgiri, Cyberabad.

2. Heard the learned counsel for the petitioners and learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are respondent Nos.2 and 4 to 8 and the second respondent is the complainant in D.V.C. No.16 of 2015. The second respondent filed D.V.C. seeking various reliefs under Sections 18, 19, 20 and 21 of the Protection of Women from Domestic Violence Act, 2005. On receipt of the complaint, the learned Magistrate has taken the case on file and numbered it as D.V.C. No.16 of 2015 and issued summons to the petitioners.

4. This Court can quash the proceedings under Section 482 Cr.P.C. in the following circumstances: (1) if the allegations made in the complaint do not constitute any cause of action, or (2) even if the allegations made in the complaint ex facie are taken to be true and correct, there is no possibility to grant reliefs against the petitioners, or (3) the continuation of the proceedings in DVC would amount to abuse of the process of the Court.

5. A perusal of the record reveals that the marriage of the second respondent was performed with G.Praveen Kumar (first respondent in D.V.C.) on 02.11.2012. The petitioners are the family members of the first respondent. In the complaint, it is alleged that the petitioners and others harassed the second respondent to get additional dowry from her father. The second respondent also lodged a complaint to the Station House Officer, Malkajgiri Police Station, who in turn registered a case in Crime No.479 of 2015 for the offences under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

6. The second respondent filed the petition under Section 12 of the Protection of Women from Domestic Violence Act (DV Act) claiming the reliefs under Sections 18, 19, 20 and 21 of DV Act. As per the principle enunciated in **Valisetti Chandra**

Rekha v. State of Andhra Pradesh, **Mohit Yadam v. State of Andhra Pradesh, Mohd. Akber Yaseen v. Rizwana Sultana** and **Mangesh Sawant v Minal Vijay Bhosale,** the reliefs under Sections 18 to 23 of DV Act are civil in nature and there is no element of criminality therein. Therefore, the maintainability of present petition is very much doubtful. A perusal of the complaint *prima facie* reveals the role played by the petitioners herein.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the view that it is not a fit case to quash the proceedings against the petitioners/respondent Nos.2 and 4 to 8 in DVC No.16 of 2015.

8. Learned counsel for the petitioners submitted that the petitioners, who are residing at different places, are facing much difficulty to attend the trial court. There is no dispute with regard to the *inter se* relationship and identity of the petitioners. Even if the presence of the petitioners is dispensed with, no prejudice will be caused to the second respondent. Hence, this court is inclined to dispense with the presence of the petitioners/respondent Nos.2 and 4 to 8 before the trial court.

9. With the above observations, the Criminal Petition is dismissed. The presence of the petitioners/respondent Nos.2 and 4 to 8 before the trial court on each and every date of adjournment is dispensed with. However, they shall appear before the trial court as and when their presence is so required. Miscellaneous petitions if any pending in this criminal petition shall stand closed.

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T.SUNIL CHOWDARY, J

November 20, 2015.

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