

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6433 OF 2015

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.20 of 2013 on the file of I Additional Chief Metropolitan Magistrate, Vijayawada, Krishna District.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (A.P) for the State before notice to respondent No.2 and before admission. Perused the material on record.

Needless to say, by virtue of condition No.(f) of the guidelines (a) to (g) of the expression of the Apex Court in **State of Haryana v. Ch.Bhajan Lal**^[1], from the efficacious alternative remedy available under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act'), to maintain an appeal even numbering of D.V.C. from the cognizance taken by the learned Magistrate by virtue of Section 26 of the Act speaks save to the extent of specific provisions in the Code of Criminal Procedure applies, remedy is left open to the petitioners if at all to maintain an appeal under Section 29 of the Act before the Sessions Court by explaining the delay under Section 14 of the Limitation Act for a period beyond one month from the date of service of summons.

Accordingly, this criminal petition is disposed of. Needless to say, if any application is filed to represent one accused on behalf of other accused under Rule 37 of Criminal Rules of Practice or under Section 126(2) Cr.P.C., the learned Magistrate shall hear and pass orders dispensing with presence of the

petitioners including respondent No.1 in D.V.C. with necessary conditions.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 21-07-2015
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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL PETITION No.6433 OF 2015

Between:

Nadikatla Arjuna rao and four others

... Petitioners

and

The State of A.P., rep., by Public Prosecutor and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 21-07-2015

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 Yes/No
3. Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment? Yes/No Yes/No

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