

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.12306 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in D.V.C.No.15 of 2016 on the file of the I Additional Judicial First Class Magistrate, Miryalaguda, Nalgonda District.

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

It is submitted by the learned counsel for the petitioner that the 1st respondent-wife is not mentally challenged person and she is not competent to file DVC.

A perusal of the record shows that at one point of time the 1st respondent/wife was produced before the jurisdictional Magistrate in one case. As she was unable to give answers, she was referred to medical examination and thereafter the 1st respondent/wife was taken care of by her parents. The contention of the petitioner is that the 1st respondent/wife herself filed DVC is erroneous. In the circumstances, the Court below needs to be enquired into about the mental condition of the 1st respondent/wife as to whether she is competent to file a petition and prosecute the matter. At this stage, this Court cannot decide that DVC filed under Domestic Violence Act by the 1st respondent/wife is maintainable or not.

In that view of the matter, this Criminal Petition is disposed of directing the Court below to take into consideration all the contentions raised by the learned counsel for the petitioner/husband and also take into consideration the mental condition of the 1st respondent/wife, proceed with the enquiry and dispose of the above DVC, in accordance with law, as expeditiously as possible.

Pending miscellaneous applications, if any, shall stand closed

in consequence.

Date: 26.08.2016
Dsr

M.S.K.JAISWAL,J