

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1855 of 2010

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/respondent in D.V.C.No.12 of 2009 on the file of the IX Metropolitan Magistrate, Nampally, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned

Public Prosecutor representing the State.

3. None appeared on behalf of respondent No.2.

4. A perusal of the record reveals that the petitioner is the respondent and the second respondent is the complainant in D.V.C.No.12 of 2009. Respondent No.2 has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') against the petitioner claiming various reliefs under Sections 18 to 21 of the Act.

5. As per the principle enunciated in ***Valisetti Chandra Rekha v. State of Andhra Pradesh, Mohit Yadav v. State of Andhra Pradesh and Mohd. Akber Yaseen v. Rizwana Sultana***, the reliefs sought under Sections 18 to 22 of the Act are purely civil in nature and there is no element of criminality therein.

6. In the instant case also, the reliefs sought by respondent No.2 are purely civil in nature and there is no element of criminality. A perusal of the record *prima facie* reveals the role played by the petitioner. Whether respondent No.2 is entitled to claim the reliefs from the petitioner or not will be decided after full-fledged trial only. In such circumstances, the maintainability of the present petition under Section 482 Cr.P.C. is very much doubtful.

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 considered view that it is not a fit case to quash the proceedings against the petitioner/respondent in D.V.C.No.12 of 2009.

8. Accordingly, the Criminal Petition is dismissed.

9. Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE T.SUNIL CHOWDARY

Date:3.3.2016

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