

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1085 OF 2014

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in D.V.C.No.4 of 2013 on the file of the Judicial Magistrate of First Class, Kalwakurthy, arising out of petition filed under Section 12 of the Protection of Women from Domestic Violence Act.

Heard and perused the material available on record.

Admittedly the case is arising out of matrimonial disputes. This Court is of the view that truth or otherwise of the allegations made against the petitioner can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner.

In any event, as the case is arising out of matrimonial dispute, the question of identity of the petitioner does not arise, and as such, the presence of the petitioner before the trial Court is dispensed with except on the dates when the trial Court insists for his appearance. The petitioner is directed to be represented by his counsel before the Court below on all hearing dates.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

18.02.2016

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