

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

CRIMINAL PETITION No.12719 of 2016

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/R1, seeking to quash D.V.C.No.6 of 2016 on the file of Judicial First Class Magistrate, Palakol, registered under Section 12(1) of Domestic Violence Act, for the reliefs under Sections 2, 19 & 20 of PWDV Act.

Heard learned counsel for petitioner and the learned Public Prosecutor and perused the material available on record.

From a perusal of the record, 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 the facts and circumstances of the case and in view of the submission of learned counsel for petitioner that the non-respondent, who is the father of the petitioner herein and who is shown as respondent No.2 in the D.V.C. will appear before the trial Court, the Criminal Petition is disposed of, directing the Court below to proceed with the trial and dispose of D.V.C.No.6 of 2016, however, without insisting for the presence of petitioner herein for each and every adjournment, unless it feels that his physical presence is necessary for any specific purpose. The 2nd respondent in the D.V.C. i.e. the father of the petitioner herein, shall appear before the trial court during the course of trial.

Accordingly, the Criminal Petition is disposed of. Consequently, pending miscellaneous applications, if any, shall stand closed.

M.S.K.JAISWAL, J

7th September 2016

ajr