

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.14915 OF 2016

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 20.01.2016 passed in CrI.M.P.No.1911 of 2015 in D.V.C.No.10 of 2014 on the file of VI Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District, in which interim maintenance was granted.

The Magistrate passed the order in a petition filed under Section 23 (1) of Protection of Women from Domestic Violence Act (for short, hereinafter referred to as "the Act") and against which an appeal lies under Section 29 of the Act. Apart from that Section 482 Cr.P.C. has no application to cases filed under the Protection of Women from Domestic Violence Act in view of the judgment of this Court rendered in "***Giduthuri Kesari Kumar and Ors. v. State of Telangana and Ors.***"¹ and another judgment of the Apex Court rendered in "***Ashish Dixit and Others v. State of Uttar Pradesh and another***"²

Hence, this petition is dismissed as not maintainable both in view of the law declared by this Court in "***Giduthuri Kesari Kumar and Ors. v. State of Telangana and Ors.***" (referred supra) and the principle laid down by the Apex Court in "***Ashish Dixit and Others v. State of Uttar Pradesh and another***" (referred supra) and also in view of availability of appellate remedy under Section 29 of the Act. No costs.

¹ 2015 (2) ALD (CrI.) 470 (AP)

² (2013) 4 SCC 176

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:20.10.2016
Ksp

