

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.5996 OF 2013

ORDER:

This Criminal Petition is filed by the petitioners under Section 482 of Cr.P.C. seeking to quash the proceedings in D.V.C. No.2 of 2012 pending on the file of Judicial First Class Magistrate, Bantumilli, Krishna District.

The complainant-1st respondent herein is the wife of 1st petitioner herein. Petitioners 2 & 3 are the parents and petitioners 4 & 6 are the sisters of 1st petitioner. 5th petitioner is the husband of 4th petitioner and 7th petitioner is the husband of 6th petitioner. The 1st respondent filed an application before the Court below under Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking various reliefs under Sections 19 to 22 of the Act.

On a perusal of the entire petition and the grounds raised by the 1st respondent before the Court below, this Court is of the view that certain allegations are levelled against the 1st petitioner herein and the truth or otherwise of the same can be decided only by the Court below and at this stage this Court is not inclined to interfere with the same. As far as the petitioners 2 to 7 are concerned, except bald allegations of domestic violence, no specific allegations or overt acts are alleged against them to proceed against these petitioners and therefore, the impugned proceedings are liable to be quashed as against them.

Accordingly, except 1st petitioner herein, the impugned proceedings are hereby quashed as against the petitioners 2 to 7

herein. The Court below shall proceed with the proceedings as against the 1st petitioner and dispose of the same in accordance with law.

The Criminal Petition is allowed in part as indicated above.

Pending miscellaneous petitions, if any, stand closed.

JUSTICE RAJA ELANGO

26.09.2016
Tsr

