

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION Nos.16589 and 16602 OF 2016

COMMON ORDER:

Crl.P.No.16589 of 2016 is filed to quash the proceedings in C.C.No.625 of 2014 on the file of VIII Metropolitan Magistrate, Rajendranagar, Cyberabad, for the offences punishable under Sections 498-A and 406 IPC, whereas Crl.P.No.16602 of 2016 is filed to quash the proceedings in D.V.C.No.1 of 2013 on the file of VIII Metropolitan Magistrate, Rajendranagar, Cyberabad, filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

This Court ordered notice to the de facto complainant and both the parties agreed to compromise.

Sri K.Venu Madhav, learned counsel appearing on behalf of *de facto* complainant and the person aggrieved in both the matters, filed a memo in USR.No.8122 of 2016 reporting no objection to allow this petitions and also made an endorsement on the bundle to the effect that he has no objection to quash the proceedings.

While C.C.No.625 of 2014, for the offences punishable under Sections 498-A and 406 IPC, is pending on the file of VIII Metropolitan Magistrate, Rajendranagar, Cyberabad, D.V.C.No.1 of 2013 is pending on the file of the same Court. This Court cannot quash the proceedings under the Protection of Women From Domestic Violence Act, 2005,

except under two circumstances, where there was no domestic relationship, as defined under Section 2(f) of the Act, or where the petitioners were acquitted on identical allegations by any other competent Court. However, Sri K.Venu Madhav, learned counsel for the respondent - person aggrieved in D.V.C, reported no objection. Even then, this Court cannot quash the D.V.C. proceedings. Moreover, the person aggrieved can withdraw the proceedings before the Court in D.V.C. filed, under Section 12 of the Act, for various reliefs claimed in the petitions. In the present case, there is subsisting domestic relationship and it would not fall within the two exceptions referred in **GIDUTHURI KESARI KUMAR V. STATE OF TELANGANA REP. BY PUBLIC PROSECUTOR¹**.

Therefore, it is not a fit case to quash the proceedings by exercising jurisdiction under Section 482 Cr.P.C. However, the respondent is directed to file a memo before the VIII Metropolitan Magistrate, Rajendranagar, Cyberabad and withdraw D.V.C.No.1 of 2013, but whereas the offences punishable, under Sections 498-A and 406 IPC, can be quashed in view of no objection. Hence, the proceedings in C.C.No.625 of 2014 are quashed. In view of no objection reported by Sri K.Venu Madhav, learned counsel for the *de facto* complainant - person aggrieved, the *de facto* complainant - person aggrieved shall file a memo

¹ 2015(2) ALD (CrI.) 470

before the VIII Metropolitan Magistrate, Rajendranagar, Cyberabad, to withdraw D.V.C. and the Court is directed to dispose of the same.

In the result, CrI.P.No.16589 of 2016 is allowed and the proceedings in C.C.No.625 of 2014 on the file of VIII Metropolitan Magistrate, Rajendranagar, Cyberabad, are hereby quashed. However, CrI.P.No.16602 of 2016 is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 07.12.2016
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