

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION NO.9286 OF 2013

ORDER:

-

This Criminal Petition under Section 482 of Cr.P.C. is filed to quash the proceedings in D.V.C.No.3 of 2009 pending on the file of Judicial Magistrate of First Class at Hindupur, Anantapur District.

The de facto complainant-second respondent herein initiated the proceedings under the provisions of Protection of Women from Domestic Violation Act, 2005 (for short 'the Act') against her husband and five others seeking reliefs under Sections 18 to 22 of the Act. The petitioner herein is the respondent No.6 in the said D.V.C.

The main contention of the learned counsel for the petitioner herein is that the petitioner is nothing to do with the family affairs of the second respondent herein. It is further submitted that even in the complaint, there is no specific allegation against the petitioner herein.

Further this Court has quashed the proceedings in Crime No.74 of 2008 for the offences under Sections 498-A and 307 IPC initiated by the complainant herein as against the petitioner herein and other accused therein.

Heard and perused the material available on record.

The petitioner herein is paternal uncle of the husband of the complainant-second respondent herein. As rightly contended by the learned counsel for the petitioner there is no specific averment or allegation as against the petitioner in the complaint/statement of the second respondent herein. Furthermore, no specific relief is sought for as against the petitioner herein. Admittedly, the petitioner herein is a divorced wife and not living with the husband of the first respondent

herein and therefore, she cannot be proceeded under the provisions of the Act. Hence, the impugned proceedings as against the petitioner herein are liable to be quashed.

In the result, the Criminal Petition is allowed and the proceedings in D.V.C.No.3 of 2009 pending on the file of Judicial Magistrate of First Class at Hindupur, Anantapur District are hereby quashed as against the petitioner herein.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

08th August, 2016

Tsr

