

-

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.324 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/respondent Nos.2 to 5 in D.V.C.No.106 of 2015 on the file of the Judicial Magistrate of First Class, Special Mobile Court, Guntur.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the first respondent filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act'), against the petitioners and another, claiming various reliefs under Sections 18 to 22 of the Act. The learned Magistrate, after satisfying himself with the material placed before him, has taken the case on file and numbered it as D.V.C.No.106 of 2015 and issued summons to the respondents therein.

4. As per the principle enunciated in **Valisetti Chandra Rekha v. State of Andhra Pradesh**^[1], **Mohit Yadav v. State of Andhra Pradesh**^[2] and **Mohd. Akber Yaseen v. Rizwana Sultana**^[3], the reliefs sought under Sections 18 to 22 of the Act are purely civil in nature and there is no element of criminality therein.

5. In the instant case also the reliefs sought by the first respondent are purely civil in nature and there is no element of criminality. A perusal of the record *prima facie* reveals the role played by the petitioners. Whether the first respondent is entitled to claim the reliefs from the petitioners or not will be decided after full-fledged trial only. In such circumstances, the maintainability of the present petition under Section 482 Cr.P.C. is very much doubtful.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that it is not a fit case to quash the proceedings against the petitioners/respondent Nos.2 to 5 in D.V.C.No.106 of 2015.

7. Learned counsel for the petitioners submitted that the petitioners are facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, their presence may be dispensed with.

8. The learned Public Prosecutor submitted that respondent No.1 in D.V.C.No.106 of 2015 has been residing in Australia.

9. The petitioners are the close relatives of the first respondent. There is no dispute with regard to the identity of the petitioners. Even if the presence of petitioner Nos.1, 3 and 4 is dispensed with, no prejudice will be caused to the first respondent.

10. Hence, this Court is inclined to dispense with the presence of petitioner Nos.1, 3 and 4, who are respondent Nos.2, 4 and 5 in D.V.C.No.106 of 2015, before the trial Court on each and every date of adjournment. However, they shall appear before the trial Court as and when their presence is so required.

11. With the above observation, the Criminal Petition is dismissed.

12. Consequently, Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 19.01.2016

lvd

[\[1\]](#) 2010 (2) ALD (CrL.) 689 (AP)

[\[2\]](#) 2010 (1) ALD (CrL.) 1 (AP)

[\[3\]](#) 2010 (2) ALD (CrL.) 680 (AP)