

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42297 OF 2016

ORDER:

This writ petition, under Article 226 of Constitution of India, is filed seeking to quash the proceedings in D.V.C.No.31 of 2016 on the file of the II Additional Judicial First Class Magistrate at Tanuku, West Godavari District against the petitioners.

2. Heard and perused the material available on record.
3. Respondent No.2 filed the aforesaid D.V.C. against the petitioners seeking certain reliefs under Section 12 of the Protection of Women from Domestic Violence Act, 2005.
4. Considering all the facts and circumstances of the case, this Court is of the view that the writ petition is not maintainable and hence, this Court is not inclined to interfere with the proceedings in the above case. After arguing for sometime, learned counsel for the petitioner while not pressing for the main prayer, confined his arguments only to the extent of dispensing with the presence of the petitioners before the trial Court.
5. In view of the same and also considering the nature of allegations wherein the question of identity of the petitioners does not arise, the presence of petitioners/R-1 to R-3 before the trial Court is dispensed with except on the dates on which the learned Magistrate insists for their presence. However, petitioner No.1/R-1 shall appear before the trial Court on all hearing dates and also represent the other petitioners. The petitioners shall be properly represented through their counsel before the trial Court.

6. With the above direction, the Writ Petition is disposed of.
There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition
shall stand closed.

JUSTICE RAJA ELANGO

6.12.2016
AMD



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AMD