

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5808 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in D.V.C.No.12 of 2015 on the file of the II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally, at Miyapur, arising out of offences Domestic Violence Act.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below passed ex parte order of granting interim monthly maintenance of Rs.50,000/- to the second respondent hereby, by order, dated 06.08.2015 in CrI.M.P.No.3072 of 2015 in D.V.C.No.12 of 2015. Further, the Court below issued Non Bailable Warrants (NBWs) against the petitioner herein and as such, prays this Court to set aside the *ex parte* order dated 06.08.2015 and also to direct the Court below to recall the NBWs issued against the petitioner herein.

Considering the facts and circumstances of the case, the order dated 06.08.2015 in CrI.M.P.No.2071 of 2015 is set aside on condition of the petitioner depositing a sum of Rs.3,00,000/- (Rupees three lakhs only) before the Court below. On such deposit, the Court below is directed to conduct trial in the above D.V.C and dispose of the D.V.C., as early as possible, preferably within a period of six months. The petitioner is directed to appear before the Court below and file an application for recalling NBWs issued against him on or before 10.05.2016, and on filing of such application, the Court below is directed to recall the NBWs issued against the petitioner on the same day on condition of his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum to the satisfaction of the said Magistrate. Till then, the presence of the petitioner before the Court below is dispensed with and he is

directed to represent his case through the counsel on all hearing dates.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

20.04.2016

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