

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.8415 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/respondent Nos.1 to 5 in DVC No.25 of 2014 on the file of the Court of the II Additional Junior Civil Judge, Ongole.

2 Heard Sri K. Koteswara Rao, the learned counsel for the petitioners, Sri Sarat Chandra, the learned counsel for the first respondent and the learned Additional 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 (for short 'DVC Act') on the file of the Court of the II Additional Junior Civil Judge, Ongole against the petitioners seeking various reliefs. After satisfying himself with the material placed before him, the learned Magistrate has taken the case on file and numbered it as DVC No.25 of 2014. Petitioners herein are respondent Nos.1 to 5 and the first respondent is the petitioner in DVC No.25 of 2014. There is no dispute between the parties with regard to their *inter se* relationship.

4 As per the principle enunciated in **Valisetti Chandra Rekha v. State of Andhra Pradesh**^[1], **Mohit Yadam v. State of Andhra Pradesh**^[2], **Mohd. Akber Yaseen v. Rizwana Sultana**^[3] and **Mangesh Sawant V. Minal Vijay Bhosale**^[4] the various reliefs sought under the provisions of D.V.C.Act are civil in nature. There is no element of criminality in the reliefs sought by the first

respondent. The allegations made in the complaint, prima facie, reveal the role played by the petitioners. The maintainability of the petition itself is very much doubtful in view of the nature of the reliefs sought for by the first respondent.

5 Whether the first respondent is entitled to claim the reliefs against the petitioners or not is purely a question of fact, which requires a full fledged trial and the same cannot be gone into while exercising inherent jurisdiction under Section 482 Cr.P.C. If this Court expresses any opinion, touching the merits of the case, the same may cause prejudice to either of the parties.

6 Viewed from factual or legal aspects, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

7 The learned counsel for the petitioners submitted that the petitioners are facing much difficulty in attending the Court on each and every adjournment, more particularly first petitioner who is working at Delhi. First petitioner is husband, second petitioner is father-in-law, third petitioner is mother-in-law, fourth petitioner is brother-in-law of the first respondent and fifth petitioner is wife of the fourth petitioner. There is no dispute with regard to the identity of the petitioners. Even if the presence of the petitioners is dispensed with, no prejudice will be caused to the first respondent.

Therefore, the presence of the petitioner Nos.1, 3, 4 and 5 who are respondent Nos.1, 3, 4 and 5 in DVC No.25 of 2014 on the file of the Court of the II Additional Junior Civil Judge, Ongole on each and every adjournment is hereby dispensed with. But, the second petitioner shall appear before the trial Court on each and every adjournment. However, the petitioner Nos.1, 3, 4 and 5 who are respondent Nos.1, 3, 4 and 5 shall appear before the trial Court as

and when their presence is required.

8 With the above observations, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 29th January, 2016

Kvsn

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

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

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

[\[4\]](#) 2012 Cri.L.J. 1413 (Bombay)