

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.14331 OF 2016

ORDER:

Heard.

This criminal petition is filed under Section 482 of Cr.P.C to dispense with the personal appearance of the petitioners, pending trial in D.V.C.No.99 of 2016 on the file of III Metropolitan Magistrate, Hyderabad.

The petitioners herein are respondents 2 to 5 before the trial Court. The 2nd respondent filed petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the petitioners before the trial Court.

It is the contention of the petitioners that they are suffering from ill-health. Therefore, their appearance may be dispensed with before the trial Court. In support of their contention, they filed medical reports.

The proceedings under D.V.C Act are purely civil in nature and their presence on each and every date of adjournment cannot be insisted and the Court can pass an exparte order as held by this Court in **Giduthuri Kesari Kumar and others v State of Telangana, Rep.by Public Prosecutor¹**.

In view of the above, the appearance of the petitioners cannot be insisted by the trial Court and this Court need not pass any order dispensing with the appearance of the

¹ 2015 (2) ALD(Crl) 470

petitioners. However, III Metropolitan Magistrate, Hyderabad is directed to follow the directions in **Giduthuri Kesari Kumar's** case referred supra.

Accordingly, the criminal petition is disposed of at the stage of admission.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

07.12.2016
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