

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4622 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/ respondents 1 to 5 in D.V.C.No.1 of 2015 pending on the file of I Additional Judicial Magistrate of First Class, Gajapathinagaram, Vizianagaram.

Heard and perused the material available on record.

Second respondent herein filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking various reliefs under the Act against the petitioners and other respondents. The reliefs sought by the second 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 second 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. Hence, this Court is not inclined to interfere with the further proceedings against the petitioners.

In any event, considering the nature of allegations wherein the question of identity of the petitioners herein does not arise, the presence of the petitioners before the trial Court is dispensed with except on the dates when their presence is specially required by the Court. The petitioners shall be properly represented by their counsel before the trial Court.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 04-04-2016

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