

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.8782 of 2010

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/respondents 1, 2, 4, 5, 6, 9 to 11 in D.V.C.No.4 of 2010 on the file of the Court of Judicial Magistrate of First Class, Tandur, Ranga Reddy District.

Heard the learned counsel for the petitioners, the learned counsel for the second respondent and the learned Public Prosecutor representing the State.

A perusal of the record reveals that the second respondent, who is complainant, filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the petitioners herein claiming various reliefs under Sections 18 to 22 of the Act. The marriage of the second respondent was performed with the first petitioner/first respondent on 24-03-2002 at Dharur village, Ranga Reddy District as per Hindu rites and caste custom. The learned Magistrate, after satisfying himself with the material placed before him, has taken the case on file and numbered it as D.V.C.No.4 of 2010 and issued summons to the respondents therein.

_____ As per the principle enunciated in ***Valisetti Chandra Rekha v. State of Andhra Pradesh***^[1], ***Mohit Yadav v. State of Andhra Pradesh***^[2] and ***Mohd. Akber Yaseen v. Rizwana Sultana***^[3], the reliefs sought under Sections 18 to 22 of the Act are purely civil in nature and there is no element of criminality therein.

In the instant case also, 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.

Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited *supra*, I am of the considered view that it is not a fit case to quash the proceedings against the petitioners/respondent Nos.1, 2, 4, 5, 6, 9 to 11 in D.V.C.No.4 of 2010.

Learned counsel for the petitioners submitted that the petitioners are facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, their presence may be dispensed with.

There is no dispute with regard to identity of the petitioners. Even if their presence is dispensed with, no prejudice will be caused to the second respondent.

Hence, this Court is inclined to dispense with the presence of the petitioners, who are respondent Nos.2, 4 to 6 and 9 to 11, except the first petitioner/first respondent in D.V.C.No.4 of 2010, before the trial Court on each and every date of adjournment. However, they shall appear before the trial Court as and when their presence is so required.

With the above observation, the Criminal Petition is

dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 18-02-2016

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

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

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