

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41680 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records in DVC No.3 of 2012 on the file of the Judicial Magistrate of First Class, Narasapur, West Godavari District, Andhra Pradesh, and quash the same.

Heard and perused the material available on record.

The petitioner is the mother-in-law of the 2nd respondent. The 2nd respondent filed DVC No.3 of 2012 against the petitioner and the other family members before the Judicial Magistrate of First Class, Narasapur, West Godavari District, seeking certain reliefs under the Protection of Women from Domestic Violence Act. The grievance of the petitioner is that she received summons in the above DVC and she has engaged a counsel and since the notices are not served on the other respondents in the DVC as they are out of country, the case is being adjourned from time to time and she is unable to attend the Court on each and every adjournment, and that she is nothing to do with the allegations in the above DVC, and therefore, she requested to quash the proceedings against her.

On perusal of the entire record, this Court is of the view that the present writ petition is not maintainable and the petitioner can file a discharge application before the Court below and raise all the points that are raised before this Court. At this stage, learned counsel for the petitioner confined his prayer, and requested to dispense with the presence of the petitioner before the Court below and to permit her to file discharge application.

Accordingly, the Writ Petition is disposed of and the presence of the petitioner is dispensed with before the Court below. However, taking into consideration the grievance of the petitioner, she is permitted to file a discharge application before the Court concerned. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 01, 2016
KTL



