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THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.1545 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/respondent Nos.1 and 2 in D.V.C.No.11 of 2015 on the file of the Court of the Additional Judicial First Class Magistrate, Kavali, S.P.S.R.Nellore District.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the marriage of the second respondent was performed with petitioner No.1 on 06.12.2001 at Bogole Village and Mandal, S.P.S.R. Nellore District. It further reveals that respondent Nos.2 to 4 have filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act'), against the petitioners, claiming various reliefs under Sections 18 to 22 of the Act. 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.11 of 2015 and issued summons to the respondents therein.

4. As per the principle enunciated in **Valisetti Chandra Rekha v. State of Andhra Pradesh**^[1], **Mohit Yadam 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.

5. In the instant case also the reliefs sought by respondent Nos.2 to 4 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 respondent Nos.2 to 4 are 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.

6. 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 and 2 in D.V.C.No.11 of 2015.

7. Learned counsel for the petitioners submitted that petitioner No.2 is facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, her presence may be dispensed with.

8. There is no dispute with regard to the identity of petitioner No.2. Even if her presence is dispensed with, no prejudice will be caused to respondent Nos.2 to 4.

9. Hence, this Court is inclined to dispense with the presence of petitioner No.2, who is respondent No.2 in D.V.C.No.11 of 2015, before the trial Court on each and every date of adjournment. However, she shall appear before the trial Court as and when her presence is so required.

10. With the above observation, the Criminal Petition is dismissed.

11. Consequently, Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 10.02.2016

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

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

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