

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5845 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/respondent in D.V.C.No.10 of 2015 pending on the file of II Additional Judicial Magistrate of First Class, Bhimavaram.

Heard and perused the material available on record.

The 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 petitioner herein. 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 petitioner. Whether the second respondent is entitled to claim the reliefs from the petitioner 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 petitioner.

In any event, considering the nature of allegations wherein the question of identity of the petitioner/respondent does not arise, the presence of the petitioner/respondent before the trial Court is dispensed with except on the dates when their presence is specifically 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: 20-04-2016

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