

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1804 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in D.V.C.No.61 of 2015 on the file of the Additional Judicial First Class Magistrate, West Godavari District, at Eluru, arising out of offences under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

Heard and perused the material available on record.

Admittedly the case is arising out of matrimonial disputes. This Court is of the view that truth or otherwise of the allegations made against the petitioners can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioners.

In any event, as the case is arising out of matrimonial dispute, the question of identity of the petitioners does not arise, and as such, the presence of the petitioners 2 and 3/A.2 and A.3 before the trial Court is dispensed with except on the dates when the trial Court insists for their appearance. The petitioners 2 and 3/A.2 and A.3 are directed to be represented by their counsel before the Court below on all hearing dates. However, the first petitioner/A.1 is directed to appear before the Court below on all hearing dates.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

15.02.2016

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