

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40040 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the inclusion of the petitioner's name as 4th accused/respondent in D.V.C.No.3 of 2016, on the file of the VII Additional Metropolitan Magistrate, at Visakhapatnam, pursuant to the complaint made by the 3rd respondent before the 2nd respondent by way of Domestic Violence act, as illegal and arbitrary and to consequently quash the proceedings against the petitioner in D.V.C.No.3 of 2016.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is working as Additional Superintendent of Police at Visakhapatnam and he was shown as A-4 in D.V.C.No.3 of 2016 since the petitioner is childhood friend of the 3rd respondent's mother-in-law. The main grievance of the petitioner is that basing on the complaint of the 3rd respondent, the petitioner has been implicated in the above said D.V.C.

Considering the facts and circumstances of the case, this Court is not inclined to interfere with the proceedings in D.V.C.No.3 of 2016, on the file of the VII Additional Metropolitan Magistrate, Visakhapatnam, by invoking the writ jurisdiction, since the dispute is between individuals and hence, this Court is of the view that the writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to approach the appropriate Court. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 21st November, 2016

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