

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**Criminal Petition No.3967 of 2016**

**ORDER:**

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-2 and A-3 in D.V.C.No.5 of 2015 pending on the file of III Metropolitan Magistrate, Visakhapatnam.

Heard and perused the material available on record.

First 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 petitioners and other accused. The reliefs sought by the first 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 petitioners. Whether the first respondent is entitled to the reliefs claimed 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. Hence, this Court is not inclined to interfere with the further proceedings against the petitioners.

In any event, considering the nature of allegations wherein the question of identity of the petitioners/A-2 and A-3 does not arise, the presence of the petitioners/A-2 and A-3 before the trial Court is dispensed with except on the dates when their presence is essentially required by the Court. However, the petitioners/A-2 and A-3 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: 22-03-2016

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