

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.16931 OF 2016

ORDER:

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in D.V.C.No.9 of 2016 on the file of Judicial Magistrate of First Class, Gadwal, Mahabubnagar District, for the alleged offences punishable under Sections 12, 18, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005.(herein after be referred to as “the Act” for the sake of convenience.)

Petitioners herein are inter-related to each other and the entire allegations made in the complaint directly pointed out the domestic violation against her husband-Lakshmi Narasimha Reddy but not these petitioners and moreover, they claimed relief against these petitioners.

No doubt, there exists domestic relationship as defined under Section 2(f) of the Act and this court can exercise inherent power under Section 482 Cr.P.C. only in two circumstances whether there is no subsisting domestic relationship as defined under Section 2(f) of the Act or whether the proceedings are initiated under Section 31(2) of Act. An identical question came up in a decision of this court reported in *GIDUTHURI KESARI KUMAR AND ORS. V. STATE OF TELANGANA AND ORS.*¹

When this court has clarified that the proceedings under Protection of Women from the Domestic Violence are purely civil in

¹ 2015 (2) ALD (CrI.) 470

nature, trial in the case cannot be equated with and that if in criminal cases, during trial, party is not required on each and every dates of adjournments, the court can pass an order setting respondent exparte and the court can also pass an exparte order. Even in recent judgment reported in *KUNAPAREDDY ALIAS NOOKALA SHANKA BALAJI* (²) the apex court clarified that the proceedings under Protection of Women from Domestic Violence are purely civil in nature.

Hence, the Judicial First Class Magistrate, Gadwal, Mahabubnagar District is directed to follow the guidelines in *GIDUTHURI KESARI KUMAR AND ORS. V. STATE OF TELANGANA AND ORS.* (^{1st} cited).

In view of the principle laid down in the above two decisions, this Criminal Petition is disposed of.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 20-12-2016.

Dvs.

² (2016) 11 SCC 774

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Dvs