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THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.484 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/respondent No.2 in D.V.C.No.9 of 2014 on the file of the Court of the III Additional Judicial First Class Magistrate at Khammam.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the first respondent filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act'), against the petitioner and others, claiming various reliefs under Sections 18 to 22 of the Act. The learned Magistrate, after satisfying himself with the material placed before him, has taken the case on file and numbered it as D.V.C.No.9 of 2014 and issued summons to the respondents therein.

4. As per the principle enunciated in **Valisetti Chandra Rekha v. State of Andhra Pradesh**^[1], **Mohit Yadav v. State of Andhra Pradesh**^[2] and **Mohd. Akber Yaseen v. Rizwana Sultana**^[3], the reliefs sought under Sections 18 to 22 of the Act are purely civil in nature and there is no element of criminality therein.

5. In the instant case also 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 petitioner. Whether the first 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.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that it is not a fit case to quash the proceedings against the petitioner/respondent No.2 in D.V.C.No.9 of 2014.

7. Learned counsel for the petitioner submitted that the petitioner is facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, her presence may be dispensed with.

8. The petitioner is the second wife of respondent No.1 in D.V.C.No.9 of 2014. There is no dispute with regard to the identity of the petitioner. Even if her presence is dispensed with, no prejudice will be caused to the first respondent.

9. Hence, this Court is inclined to dispense with the presence of the petitioner, who is respondent No.2 in D.V.C.No.9 of 2014, before the trial Court on each and every date of adjournment. However, she shall appear before the trial Court as and when her presence is so required.

10. With the above observation, the Criminal Petition is dismissed.

11. Consequently, Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 21.01.2016

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[\[1\]](#) 2010 (2) ALD (CrL.) 689 (AP)

[\[2\]](#) 2010 (1) ALD (CrL.) 1 (AP)

[\[3\]](#) 2010 (2) ALD (CrL.) 680 (AP)