

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6996 of 2017

ORDER :

This Criminal Petition is filed by the petitioners under Section 482 Cr.P.C seeking to quash the proceedings in D.V.C. No.44 of 2016 on the file of the II Additional Judicial Magistrate of First Class, Eluru, West Godavari District.

2) Heard the learned counsel for petitioners and the learned Public Prosecutor for the State and perused the material on record.

3) As observed by this Court in *Gaddameedi Nagamani V. The State of Telangana rep. by Public Prosecutor* (Cr.P (SR) Nos.22371 of 2015 and batch), the application to quash the D.V.C. proceedings is not sustainable from the efficacious appeal remedy is available under Section 29 of the Domestic Violence Act.

4) In view of the above, the Criminal Petition is disposed of with liberty to the petitioners to file an application for one to represent others under Section 37 of Criminal Rules of Practice, it is for the learned Magistrate to consider and permit. Needless to say, as the petitioners instead of filing an appeal before the Sessions Judge approached this Court, the appellate Court can entertain the appeal without insisting the limitation period by invoking Section 14 of the Limitation Act.

5) Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 09.08.2017
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