

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.3625 of 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/respondents Nos.2 and 3 in D.V.C.No.8 of 2017 on the file of the Court of the XI Metropolitan Magistrate, Cyberabad.

2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the State of Telangana.

3. A perusal of the record reveals that the petitioners are facing trial in D.V.C.No.8 of 2017 on the file of the Court of the XI Metropolitan Magistrate, Cyberabad. It further reveals that the second respondent filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act'), against the petitioners and her husband, 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.8 of 2017 and issued summons to the respondents therein.

4. As per the principle enunciated in **Valisetti Chandra Rekha v. State of Andhra Pradesh¹**, **Mohit Yadam v. State of Andhra Pradesh²** and **Mohd. Akber Yaseen v. Rizwana Sultana³**, the reliefs sought under Sections 18 to 22 of the Act are purely civil in nature and there is no element of criminality therein.

¹ 2010 (2) ALD (CrI.) 689 (AP)

² 2010 (1) ALD (CrI.) 1 (AP)

³ 2010 (2) ALD (CrI.) 680 (AP)

5. In the instant case also the reliefs sought by the second 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 second respondent is entitled to claim the reliefs 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.

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 petitioners/respondent Nos.2 and 3 in D.V.C.No.8 of 2017.

7. Learned counsel for the petitioners submitted that the petitioners are in-laws of the second respondent. He further submitted that the petitioners are facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, their presence may be dispensed with.

8. A perusal of the record reveals that the left leg of the first petitioner was amputated upto the knee. There is no dispute with regard to the identity of the petitioners. Even if their presence is dispensed with, no prejudice would be caused to the second respondent.

9. Hence, the presence of the petitioners, who are respondent Nos.2 and 3 in D.V.C.No.8 of 2017 on the file of the Court of the XI Metropolitan Magistrate, Cyberabad, is hereby dispensed with on

each and every date of adjournment. However, they shall appear before the trial Court as and when their presence is so required.

10. With the above observation, the Criminal Petition is disposed of.

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

T. SUNIL CHOWDARY, J

Date: 02.06.2017
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