

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2179 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure (for short, 'the Code'), is filed requesting to quash the proceedings in Domestic Violence Case No.127 of 2016 on the file of the I-Additional Chief Metropolitan Magistrate at Vijayawada.

The petitioners are arrayed as respondent Nos.2 to 5 in the aforesaid D.V.C. The husband of respondent No.2/*de facto* complainant is respondent No.1 in the D.V.C., but he is not a party to the present petition.

Heard Smt. V.Dyumani, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Andhra Pradesh on behalf of respondent No.1.

Though, learned counsel for the petitioner contended that no case is made out against the petitioners herein, this Court has taken a view that the relief now sought for under Section 482 of the Code cannot be entertained, as the proceedings under D.V.Act are purely of civil nature. Consistently, two learned Single Judges of this Court have taken the same view in **Gaddaameedi Nagamani v. State of Telangana**¹ (Criminal Petition No.22371 of 2015, dated 17.07.2015), and in **Giduthuri Kesari Kumar v. State of Telangana**² and,

¹ 2015 (2) ALD (CrI.) 746 (A.P.)

² 2015 (2) ALD (CrI.) 470 (A.P.)

subsequently, even this Court also expressed the same view in some earlier Criminal Petitions and, therefore, the same cannot be deviated.

Accordingly, the Criminal Petition is dismissed, however, observing that the appearance of the petitioners is exempted in the D.V.C and respondent No.1 in the D.V.C, who is the husband of respondent No.2/*de facto* complainant herein, would represent the petitioners before the Court of I-Additional Chief Metropolitan Magistrate at Vijayawada, where D.V.C is pending. However, the petitioners shall appear in case the learned Magistrate directs them to appear, if there is absolute necessity of their presence.

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

A.SHANKAR NARAYANA, J

Date: 16.03.2017

Note: Issue CC by tomorrow

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