

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5452 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/respondent No.1 in D.V.C. No.13 of 2017 on the file of the court of XIX Additional Metropolitan Magistrate, Cyberabad at Miyapur.

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

3. A perusal of the record reveals that respondent Nos.2 and 3 herein filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, the Act) claiming the reliefs under Sections 18 to 22 of the Act against the petitioner and another. On receipt of the complaint, the learned Magistrate has taken the case on file and numbered it as D.V.C. No.13 of 2017 and issued summons to the petitioner.

4. This Court can quash the proceedings under Section 482 Cr.P.C., in the following circumstances: (1) if the allegations made in the complaint do not constitute any cause of action, or (2) even if the allegations made in the complaint ex facie are taken to be true and correct, there is no possibility to grant reliefs against the petitioners, or (3) the continuation of the proceedings in DVC would amount to abuse of the process of the Court.

5. A perusal of the record reveals that the marriage of second respondent was solemnized with the petitioner on 06.2.2013 at R.B.Gardens, Tallada Village of Khammam District as per Hindu rites and caste customs. Immediately after the marriage, the

second respondent joined the petitioner to lead marital life. Out of lawful wedlock, they were blessed with a daughter i.e., the third respondent herein. As per the allegations made in the complaint, the petitioner harassed second respondent physically and mentally.

6. As per the principle enunciated in **Valisetti Chandra Rekha v. State of Andhra Pradesh**¹, **Mohit Yadav v. State of Andhra Pradesh**², **Mohd. Akber Yaseen v. Rizwana Sultana**³ and **Mangesh Sawant v Minal Vijay Bhosale**⁴, the reliefs sought under Sections 18 to 22 of DV Act are civil in nature and there is no element of criminality therein. Therefore, the maintainability of present petition is very much doubtful. The reliefs sought by the respondent Nos.2 and 3 are purely civil in nature without any element of criminality. A perusal of the complaint *prima facie* reveals the role played by the petitioners herein.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the view that it is not a fit case to quash the proceedings against the petitioner/respondent No.1 in DVC No.13 of 2017.

8. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions if any pending in this criminal petition shall stand closed.

T.SUNIL CHOWDARY, J.

July 11, 2017.
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¹ 2010 (2) ALD (CrI.) 689 (AP)

² 2010 (1) ALD (CrI.) 1 (AP)

³ 2010 (2) ALD (CrI.) 680 (AP)

⁴ 2012 Cri.L.J. 1413 (Bombay)