

**HON'BLE SRI JUSTICE P. KESHA RAO**

**CRIMINAL PETITION No.4611 of 2011**

**ORDER:**

Heard learned counsel for the petitioners as well as learned Public Prosecutor.

The present petition is filed by the petitioners to quash the proceedings initiated against them in D.V.C.No.2 of 2011 on the file of the Court of the Judicial First Class magistrate, Nidadavole.

Learned counsel for the petitioners, after arguing the matter for sometime, requested this Court to direct the police to follow the guidelines formulated by this Court in **Giduthuri Kesari Kumar and others v. State of Telangana and others**<sup>1</sup>.

The guidelines formulated by this Court in **Giduthuri Kesari Kumar (supra)** in paragraph 14 reads as follows:

“14) To sum up the findings:

i) Since the remedies under D.V. Act are civil remedies, the Magistrate in view of his powers under Section 28(2) of D.V. Act shall issue notice to the parties for their first appearance and shall not insist for the attendance of the parties for every hearing and in case of non-appearance of the parties despite receiving notices, can conduct enquiry and pass ex parte order with the material available. It is only in the exceptional cases where the Magistrate feels that the circumstances require that he can insist the presence of the parties even by adopting coercive measures.

ii) In view of the remedies which are in civil nature and enquiry is not a trial of criminal case, the quash petitions under Section 482 Cr.P.C. on the plea that the petitioners are unnecessarily arrayed as parties are not maintainable. It is only in exceptional cases like without there existing any domestic relationship as laid under Section 2(f) of the D.V. Act between the parties, the petitioner filed D.V. case against them or a competent Court has already acquitted them of the allegations which are identical to the ones levelled in the Domestic Violence Case, the respondents can seek for quashment of the proceedings since continuation of the proceedings in such instances certainly amounts to abuse of process of Court.”

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<sup>1</sup> 2015 (2) ALD (cr.) 470 (AP)

Acceding to the request made by the learned counsel for the petitioners and without touching the merits of the case, this Court deems it appropriate to direct the investigating agency to follow the guidelines prescribed in **Giduthuri Kesari Kumar (supra)**.

Accordingly, the investigating agency is directed to adhere to the guidelines formulated by this Court in **Giduthuri Kesari Kumar (supra)**.

With the above direction, the criminal petition is disposed of.  
No costs.

Miscellaneous petitions, if any, shall stand closed.

Date: 20.12.2017.  
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**JUSTICE P. KESHA RAO**

