

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.17403 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings against the petitioners in D.V.C. No.9 of 2016 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act') pending on the file of Judicial First Class Magistrate, Vikarabad, on various grounds.

At paragraph 5 of the petition, though several grounds were raised, Sri Vempati Mallikarjuna Sastry, learned counsel for the petitioners, requested to pass an order dispensing with the appearance of the petitioners before the Judicial Magistrate of First Class, Vikarabad, in connection with D.V.C. No.9 of 2016.

In **GIDUTHURI KESARI KUMAR AND OTHERS V. STATE OF TELANGANA REP. BY PUBLIC PROSECUTOR AND ANOTHER**¹ this Court held that the proceedings under the Act are purely civil in nature and the court shall not insist the appearance of the parties on each date of adjournment and the trial under the Act cannot be equated with the trial of criminal case. But it is complain that the learned Magistrate is still insisting the appearance of the petitioners.

Insisting the appearance of the petitioners before the court, despite the judgment in **GIDUTHURI KESARI KUMAR's** case referred above, is violation of principle laid down by this

¹ 2015(2) ALD (CrL.) 470

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court. Hence, the learned Magistrate is directed to strictly adhere to the principle laid down by this court in **GIDUTHURI KESARI KUMAR**'s case referred above.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 03.01.2017
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