

ORDER :

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“..to issue a writ, or order, or direction one in the nature of WRIT OF MANDAMUS declaring the action of respondent No.4 filing report under Domestic Violence Act without making proper enquiry basing on the representation furnished by the Counsel for the petitioner dated.15-09-2016 and without making enquiry on the documents furnished by the petitioners is illegal, arbitrary, one-sided and unjust unfair and violation of fundamental rights, life liberty and freedom of the petitioners and as such the complaint in DVC No.43/ 2017 on the file of the Spl.Mobile Court, Guntur may be ordered to be quashed against the all the petitioners and to pass such other and further order or orders, as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

2) Heard the learned counsel for petitioners and the learned Government Pleader for Home appearing for respondent No.1, before ordering notice to respondent No.2 and perused the material on record.

3) As observed by this Court in *Gaddameedi Nagamani V. The State of Telangana rep. by Public Prosecutor* (Crl.P (SR) Nos.22371 of 2015 and batch), the application to quash the D.V.C. proceedings is not sustainable from the efficacious appeal remedy is available under Section 29 of the Domestic Violence Act.

4) In view of the above, the Writ Petition is disposed of with liberty to the petitioners to file an application for one to represent others under Section 37 of Criminal Rules of Practice, it is for the learned Magistrate to consider and permit. Needless to say, as the petitioners instead of filing an appeal before the Sessions Judge

approached this Court, the appellate Court can entertain the appeal without insisting the limitation period by invoking Section 14 of the Limitation Act.

5) Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 09.08.2017
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