

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1076 of 2017

ORDER:

Present Criminal Petition came to be filed under Section 482 of the Code of Criminal Procedure seeking to quash the proceedings in DVC No.32 of 2016 on the file of Additional Judicial First Class Magistrate at Nirmal.

Heard both sides and perused the material on record.

A perusal of the record reveals that the second respondent filed a petition under Section 12 of the Protection of Women from Domestic Violence Act (for short 'the Act') against the petitioners and another claiming various reliefs under the Act. The learned Magistrate after satisfying himself with the material placed before him has taken the case on file and numbered it as DVC No.32 of 2016 and issued summons to the respondents.

As per the principle enunciated in ***Valisetti Chandra Rekha v. State of Andhra Pradesh***¹, ***Mohit Yadam v. State of Andhra Pradesh***² and ***Mohd. Akber Yaseen v. Rizwana Sultana***³, the reliefs sought under Sections 18 to 22 of the Act are purely civil in nature and there is no element of criminality.

In the instant case also the reliefs sought by the second respondent are purely civil in nature without any element of criminality. Whether the second respondent is entitled to claim reliefs against the petitioners or not has to be decided during the course of trial only. A perusal of the record reveals the role played by the petitioners. If this

¹ 2010 (3) ALT (CrI.) 78 (A.P.)

² 2010 (1) ALT (CrI.) 105 (A.P.)

³ 2010 (2) ALD (CrI.) 680 (A.P.)

Court expresses any opinion touching the merits of the case, the same will cause prejudice to either of the parties. In such circumstances, the maintainability of the present petition under Section 482 Cr.P.C. is very much doubtful.

Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that it is not a fit case to quash the proceedings against the petitioners/respondent Nos.2 to 4 in DVC No.32 of 2016.

Learned counsel for the petitioners submitted that the petitioners are facing much difficulty to attend the trial Court on each and every date of adjournment. Hence, their presence may be dispensed with.

There is no dispute with regard to the identity of petitioners/respondents No.2 to 4. Even if their presence is dispensed with, no prejudice would be caused to the second respondent.

Hence, the presence of petitioners/respondents 2 to 4 in D.V.C.No.32 of 2016 on the file of the Additional Judicial First Class Magistrate at Nirmal is hereby dispensed with on each and every date of adjournment. However, the petitioners shall appear before the trial Court as and when their presence is so required.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending in this Criminal Petition, if any, shall stand closed.

C. PRAVEEN KUMAR, J

08.02.2016
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