

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.51 OF 2017

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.10 of 2016 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 claiming various reliefs, on various grounds.

During hearing, Sri A.Bhaskara Chari, learned counsel for the petitioners, requested to dispense with the appearance of the petitioners, since they are working as Teachers in Government School and it is difficult for them to appear on each and every date of adjournment in connection with D.V.C.No.10 of 2016, without touching the merits.

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 complaining that the learned Magistrate is still insisting appearance of the petitioners.

Insisting 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 court. Hence, the learned Magistrate is directed to strictly adhere to the

¹ 2015(2) ALD (CrI.) 470

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principle laid down by this court in **GIDUTHURI KESARI KUMAR**'s case referred above.

Accordingly, the criminal petition is disposed of.

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

M. SATYANARAYANA MURTHY, J

Date: 05.01.2017
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