

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7156 of 2017

ORDER:

Heard the learned counsel for the petitioners at length and also the learned Public Prosecutor representing the 1st respondent before ordering notice to the 2nd respondent, contending that the 2nd respondent/DVC petitioner is not entitled to the reliefs.

As observed by this Court in **Gaddameedi Nagamani Vs. State of Telangana & Others**¹, 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.

In view of the above, the Criminal 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 petitioner 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. The petitioner to file appeal within one week from the date of receipt of the order. If the petitioners want dispensation of their personal appearance, to file an application u/sec.126(2) CrPC.

Accordingly and in the result, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 18.08.2017

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¹ 2015 (2) ALD (CrL.) 764