

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6235 of 2011

ORDER:

When the matter was taken up for hearing on 12.10.2017, as none appeared, it was directed to be listed under the caption 'for dismissal'. Thereafter, the matter was adjourned on four occasions. Even today, when the matter is taken up for hearing, neither the petitioners appear nor there is any representation on their behalf. Hence, the petition is taken up for disposal on merits.

2. This petition is filed seeking for quash of the proceedings in DVC No.79 of 2010 on the file of III Additional Chief Metropolitan Magistrate, City Criminal Courts Complex, Hyderabad.

3. Heard the Public Prosecutor appearing for the 1st respondent and the counsel appearing for the 2nd respondent. None appears for the petitioners.

4. The counsel for the 2nd respondent submits that when the DVC is at the stage of arguments in the trial court this petition is filed and that all the petitioners are residing in the same house and there is domestic relationship between all the petitioners and the complainant and hence, the petition is not maintainable

5. This Court in *GIDUTHURI KESARI KUMAR AND OTHERS v. STATE OF TELANGANA AND ANOTHER*¹, held as follows:

“13) The next aspect is having regard to the fact that the reliefs provided under [Section 18](#) to [22](#) are civil reliefs and enquiry under Sec. 12 of [D.V. Act](#) is not a trial of a

¹ 2015 (2) ALD (CrL.) 470

criminal case, whether the respondents can seek for quashment of the proceedings that they were unnecessarily roped in and thereby continuation of the proceedings amounts to abuse of process of Court etc., pleas. In my considered view, having regard to the facts that the scheme of the Act which provide civil reliefs and the Magistrate can lay his own procedure by not taking coercive steps in general course and the enquiry being not the trial of a criminal offence, the respondents cannot rush with 482 [Cr.P.C](#) petitions seeking quashment of the proceedings on the ground that they were unnecessarily roped in. They can establish their non-involvement in the matter and non-answerability to the reliefs claimed by participating in the enquiry. It is only in exceptional cases like without there existing any domestic relationship as laid under [Section 2\(f\)](#) of the D.V. Act between the parties, the petitioner filed D.V case against them or a competent Court has already acquitted them of the allegations which are identical to the ones leveled in the Domestic Violence Case, the respondents can seek for quashment of the proceedings since continuation of the proceedings in such instances certainly amounts to abuse of process of Court.”

6. With the above observations, the Criminal Petition is dismissed. Interim stay granted by this court on 29.07.2011 shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

December 27, 2017
LMV