

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5650 of 2017

ORDER :

This Criminal Petition is filed by the petitioner under Section 482 Cr.P.C seeking to quash the proceedings in D.V.C.No.2 of 2017 on the file of the Special Mobile Court, Ongole.

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the State and perused the material on record.

By virtue of condition No.(f) of the guidelines (a) to (g) of the expression of the Apex Court in *State of Haryana v. Ch.Bhajan Lal*¹ and also as observed by this Court in *Gaddameedi Nagamani V. The State of Telangana rep. by Public Prosecutor* (CrI.P (SR) Nos.22371 of 2015 and batch dated 17.07.2015), 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 by granting one week time from the date of receipt of copy of this order to the petitioner to file an appeal before the Sessions Judge and the appellate Court can entertain the appeal without insisting the limitation period by invoking Section 14 of the Limitation Act. Needless to say, if the petitioner files an application under Section 205 Cr.P.C. if he is unable to attend the Court regularly, the learned Magistrate shall consider the same on own merits.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 22.08.2017
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¹ AIR 1992 SC 604