

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**Criminal Petition No.7091 of 2017**

**ORDER:**

Heard the learned counsel for the petitioner who is respondent of M.C.No.7 of 2017 on the file of the Judicial Magistrate of First class, Mahaboobnagar, outcome of the complaint of the 1<sup>st</sup> respondent, through the Protection Officer.

The contention of the petitioners is that there is no domestic relationship to sustain the complaint under Section 12 of the Domestic Violence Act, 2005.

The learned counsel placed reliance on the expression of this court in **Gaduthuri Kesari Kumar Vs. State of Telangana**<sup>1</sup> stating that in exceptional cases, quash petition can be entertained. In fact even referring to this, this Court in subsequent expression **Gaddameedi Nagamani Vs. State of Telangana & Others**<sup>2</sup>, observed that even from taking of cognizance including subsistence of domestic relationship can be agitated by maintaining an appeal under Section 29 of the Act before the lower appellate Court, as alternative efficacious remedy.

Having regard to the above, the Criminal Petition is disposed of giving liberty to the petitioner to file appeal within one week from the date of receipt of the order for the lower appellate Court to entertain without insisting for limitation. All remedies are left open to the petitioner to agitate before the lower appellate Court. Consequently, miscellaneous petitions, if any shall stand closed.

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**Dr.JUSTICE B.SIVA SANKARA RAO**

Date: 16.08.2017  
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<sup>1</sup> 2015(2) ALD CrI.470

<sup>2</sup> 2015 (2) ALD (CrI.) 764