

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2371 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, is filed requesting to quash the proceedings in Domestic Violence Case No.1 of 2016 on the file of the VI Additional Judicial First Class Magistrate, Rajahmundry.

The petitioners herein are arrayed as respondent Nos.2 to 5 in the aforesaid DVC. They are the father-in-law, mother-in-law, brother-in-law and co-sister of respondent No.2 herein, who is petitioner No.1 in the DVC. Respondent No.1 in the DVC, who is the husband of respondent No.2 herein, is not a party to the present petition.

Heard Sri Reddy Venkata Ramana, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Andhra Pradesh on behalf of respondent No.1.

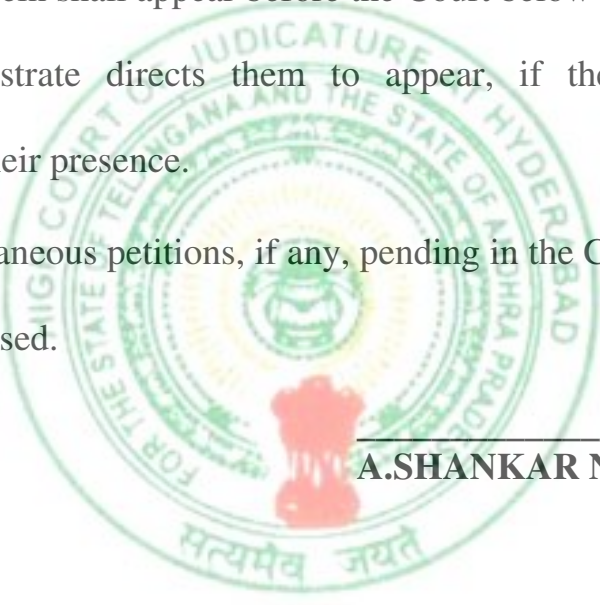
Though, learned counsel for the petitioners contended that no case is made out against the petitioners herein, this Court has taken a view that the relief now sought for under Section 482 of the Code cannot be entertained, as the proceedings under challenge are purely of civil nature. Consistently, two learned Single Judges of this Court have taken the said view in **Gaddaameedi Nagamani v. State of Telangana**¹ (Criminal Petition No.22371 of 2015, dated 17.07.2015),

¹ 2015 (2) ALD (CrI.) 746 (A.P.)

and in **Giduthuri Kesari Kumar v. State of Telangana**² and, subsequently, even this Court also expressed the same view in earlier Criminal Petitions and, therefore, a different view cannot be taken.

Accordingly, the Criminal Petition is dismissed, however, observing that the appearance of petitioners herein is exempted and respondent No.1 in the D.V.C would represent the petitioners herein before the Court of VI Additional Judicial First Class Magistrate, Rajahmundry, where D.V.C proceedings are pending. However, petitioners herein shall appear before the Court below as and when the learned Magistrate directs them to appear, if there is absolute necessity of their presence.

Miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

**A.SHANKAR NARAYANA, J**

Date: 22.03.2017
v v

² 2015 (2) ALD (CrI.) 470 (A.P.)