

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2294 of 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the Code'), requesting to quash the proceedings in Domestic Violence Case No.4 of 2017 on the file of III-Additional Munsif Magistrate, Ongole.

The petitioners herein, who are the husband and mother-in-law of the *de facto* complainant/respondent No.2 herein, are arrayed as respondent Nos.1 and 2 in the aforesaid D.V.C.

Heard Ms. B.Sangeetha, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Andhra Pradesh on behalf of respondent No.1.

In **Gaddameedi Nagamani v. State of Telangana**¹ (Criminal Petition No.22371 of 2015, dated 17.07.2015), and **Giduthuri Kesari Kumar v. State of Telangana**², this Court has succinctly held that in a petition under Section 482 of the Code, the request for quashment of DVC proceedings cannot be entertained.

Learned counsel for the petitioners would submit that petitioner No.2 is suffering from Multiple Myeloma, which is a cancer of Plasma cells, a form of Bone Marrow cancer, and undergoing treatment at Omega Hospitals. Learned counsel would further submit

¹ 2015 (2) ALD (CrI.) 746 (A.P.)

² 2015 (2) ALD (CrI.) 470 (A.P.)

that the petitioner took last admission on 18.01.2017 and continued till 20.01.2017 for supportive care and, to that effect, a certificate is issued by Omega Hospitals, Hyderabad and, therefore, seeks exemption of appearance of petitioner No.2 in the aforesaid DVC proceedings.

Since petitioner No.1 herein, who is the husband of respondent No.2 herein, is appearing before the Court where DVC proceedings are pending, he shall represent petitioner No.2 herein and the presence of petitioner No.2 is dispensed with till the conclusion of the proceedings in DVC.No.4 of 2017 on the file of III Additional Munsif Magistrate, Ongole. However, as and when the learned Magistrate directs petitioner No.2 to appear, if there is absolute necessity of her appearance, she shall obey the order of the Court.

Accordingly, the Criminal Petition is disposed of.

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

A.SHANKAR NARAYANA, J

Date: 20.03.2017

v v