

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2028 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the proceedings in D.V.C.No.15 of 2016 on the file of Judicial Magistrate of First Class, Vikarabad.

2. Petitioners herein are respondent Nos.2 to 8 in the aforesaid D.V.C., registered on the complaint of respondent No.2 made to the authority concerned under the provisions of Protection of Women from Domestic Violence Act, 2005, and respondent No.1 in the D.V.C. is arrayed as respondent No.3 herein.

3. Heard Sri Ch. Ganesh, learned counsel for the petitioners.

4. The submission of learned counsel for the petitioners is that when a complaint for the offence punishable under Section 498-A I.P.C. was lodged by respondent No.2 – *de facto* complainant, the Investigating Officer, on completion of investigation, charged accused No.1 therein, while arriving at the opinion that no case was made out against accused Nos.2 to 8 therein, who are the present petitioners, and, therefore, he requests to allow the present Criminal Petition.

5. This Court, in **Gaddameedi Nagamani v. State of Telangana**¹ (Criminal Petition No.22371 of 2015, dated 17.7.2015)

¹ 2015 (2) ALD (CrI.) 746 (A.P.)

and **Giduthuri Kesari Kumar v. State of Telangana**², expressed that the provisions of Section 482 Cr.P.C. are inapplicable to Domestic Violence Cases, as it is not a criminal case, but falls under civil dispute.

6. I had the occasion to deal with the said issue in Crl.P.No.365 of 2017 and rendered an order on 13.03.2017 on the same lines, however, exempting appearance of the petitioners therein. The request of the learned counsel for petitioners has been that presence of the petitioners herein may be exempted in the D.V.C., in view of the opinion expressed by the Investigating Officer deleting their names, while filing charge sheet for the offence punishable under Section 498-A I.P.C.

7. Acceding to such a request, presence of the petitioners, who are respondent Nos.2 to 8, in D.V.C.No.15 of 2016 on the file of Judicial Magistrate of First Class, Vikarabad, is exempted, but, however, they are directed to appear as and when the learned Magistrate directs them to appear, if necessary.

8. Accordingly, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 14, 2017.
MD

² 2015 (2) ALD (Crl.) 470 (A.P.)