

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2653 of 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings in Domestic Violence Case No.83 of 2016 on the file of the II-Additional Junior Civil Judge (Judicial Magistrate of First Class), Nizamabad.

2. The petitioners herein, who are mother-in-law, brother-in-law and sisters-in-law of the *de facto* complainant/respondent No.2 herein, are arrayed as respondent Nos.2 to 5 in the aforesaid DVC. The husband of the *de facto* complainant, who is arrayed as respondent No.1 in the DVC, is not a party to the present petition.

3. Heard Sri B. Ramulu, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Telangana on behalf of respondent No.1.

4. 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. Following the same principle, Criminal Petition Nos.365 and 2028 of 2017 were disposed

¹ 2015 (2) ALD (CrL.) 746 (A.P.)

² 2015 (2) ALD (CrL.) 470 (A.P.)

of on 13.03.2017 and 14.03.2017 respectively, exempting the appearance of the petitioners therein.

5. Since respondent No.1 in DVC, who is the husband of respondent No.2 herein, is not available in India and has gone to Dubai and petitioner No.3 i.e., respondent No.3 in the DVC, is appearing before the Court, where DVC proceedings are pending, he shall represent petitioner Nos.2, 4 and 5 and the presence of petitioner Nos.2, 4 and 5 is dispensed with till the conclusion of the proceedings in D.V.C.No.83 of 2016 on the file of the II-Additional Junior Civil Judge (Judicial Magistrate of First Class), Nizamabad. However, as and when the learned Magistrate directs petitioner Nos.2, 4 and 5, they shall appear, if there is necessity of their presence.

6. Accordingly, the Criminal Petition is disposed of.

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

A. SHANKAR NARAYANA, J

March 31, 2017.

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