

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3048 of 2017

ORDER :

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), requesting to quash the proceedings in DVC.No.3 of 2016 on the file of the V Metropolitan Magistrate, Anakapalle, Visakhapatnam District.

2. The petitioners viz., Karri Nagaraju Venkata Kishore Kumar @ Kishore, Smt. Karri Lakshmi Narayanamma, Smt. Kandregula Chandrika, and Sri Kandregula Murali, are arrayed as respondent Nos.1, 2, 3 and 4, respectively, in the above Domestic Violence Case filed by respondent Nos.1 to 3 herein viz., Smt. Karri Bala Jyothi, Karri Sampath Nihal, and Karri Sriram Tanish, the aggrieved persons.

3. Petitioner No.1 is the husband of respondent No.1, and petitioner Nos.2 to 4 are mother, sister and brother-in-law, respectively, of petitioner No.1. Respondent Nos.2 and 3 are children of petitioner No.1 and respondent No.1.

4. Heard Sri Kowturu Pavan Kumar, learned counsel for the petitioners, as well as the learned Assistant Public Prosecutor appearing for the 4th respondent – State and perused the material on record.

5. This Court, in **Gaddameedi Nagamani v. State of Telangana**¹ and **Giduthuri Kesari Kumar v. State of Telangana**², held that under Section 482 of Cr.P.C., the request for quashment of proceedings in The Protection of Women from Domestic Violence Act, 2005, cannot be entertained as the same are purely of civil nature. Following the same principle, Criminal Petition Nos.365 and 2025 of 2017 were disposed of on 13.03.2017 and 14.03.2017, respectively, exempting appearance of the petitioners therein. Hence, the present petition is also required to be disposed of on the same lines.

6. Therefore, the Criminal Petition is disposed of, at the admission stage itself, dispensing with the presence of the petitioner Nos.2, 3 and 4 herein (respondent Nos.2, 3 and 4 in DVC) in D.V.C. No.3 of 2016 on the file of V Metropolitan Magistrate, Anakapalle, Visakhapatnam District, till conclusion of the proceedings. However, petitioner No.1 - respondent No.1 in the said D.V.C, who is husband of respondent No.1 herein, is directed to represent petitioner Nos.2 to 4 herein (respondent Nos.2 to 4 in DVC) in the said D.V.C. Petitioner Nos.2 to 4 shall appear before the learned Magistrate as and when they are directed, if their presence is necessary.

¹ 2015 (2) ALD (Crl.) 746 (A.P.)

² 2015 (2) ALD (Crl.) 470 (A.P.)

7. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

JUSTICE A. SHANKAR NARAYANA

13.04.2017.
Msr



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