

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4512 of 2017

ORDER:

1 This Criminal Petition is filed under Section 482 of Cr.P.C., by the petitioners–respondent Nos.2 to 4 to quash the proceedings in D.V.C.No.12 of 2017 on the file of the Court of the Special Judicial I Class Magistrate of Excise, Eluru, West Godavari District.

2 Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor representing the second respondent – State of Andhra Pradesh.

3 The second respondent filed D.V.C. seeking various reliefs under Sections 18 to 22 of the Protection of Women from Domestic Violence Act, 2005. On receipt of the complaint, the learned Magistrate has taken the case on file and numbered it as D.V.C.No.12 of 2017 and issued summons to the petitioners. A perusal of the record reveals that the petitioners are respondent Nos.2 to 4 and the second respondent is the complainant in D.V.C.No.12 of 2017.

4 As per the principle enunciated in **Valisetti Chandra Rekha v. State of Andhra Pradesh¹, Mohit Yadav v State of Andhra Pradesh², Mohd. Akber Yaseen v Rizwana Sultana³,**

¹ 2010 (2) ALD (CrI.) 689 (AP)

² 2010 (1) ALD (CrI.) 1 (AP)

³ 2010 (2) ALD (CrI.) 680 (AP)

Mangesh Sawant v Minal Vijay Bhosale⁴ and **Giduthuri Kesari Kumar v State of Telangana⁵**, the reliefs sought under Sections 18 to 23 of DV Act are civil in nature without any element of criminality. In the instant case also the second respondent filed DVC seeking various reliefs under Sections 18 to 22 of the D.V. Act. Therefore, the maintainability of present petition is very much doubtful. A perusal of the complaint *prima facie* reveals the role played by the petitioners herein.

5 Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the view that it is not a fit case to quash the proceedings against the petitioners/respondent Nos.2 to 4 in DVC No.12 of 2017.

6 Learned counsel for the petitioners submitted that the petitioners are facing much difficulty to attend the Court on each and every adjournment, hence their presence may be dispensed with. There is no dispute with regard to the identity of the petitioners. Even if the presence of the petitioners dispensed with, no prejudice will be caused to the second respondent.

7 Having regard to the facts and circumstances of the case, the presence of the petitioners, who are respondent Nos.2 to 4 in D.V.C.No.12 of 2017 on the file of the Court of the Special Judicial I Class Magistrate of Excise, Eluru, West Godavari

⁴ 2012 Cri.L.J. 1413 (Bombay)

⁵ 2016 (1) ALT (CrL.) 358 (AP)

District, on each and every date of adjournment is dispensed with. However, they shall appear before the trial court as and when their presence is specifically required.

8. With the above observations, the Criminal Petition is disposed of. Miscellaneous petitions if any pending in this criminal petition shall stand closed.

T.SUNIL CHOWDARY, J

June 16, 2017.

Kvsn

