

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2373 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure (for short, 'the Code'), is filed requesting to quash the proceedings in Domestic Violence Case No.2 of 2016 on the file of the Judicial First Class Magistrate, Narayankhed.

The petitioners herein are arrayed as the respondents, whereas respondent No.2 herein, who is the wife of petitioner No.1 herein, is the applicant in the aforesaid DVC.

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

Though, learned counsel for the petitioners contended that no case is made out against the petitioners herein, this Court has taken a view that the relief now sought for under Section 482 of the Code cannot be entertained, as the proceedings under challenge are purely of civil nature. Consistently, two learned Single Judges of this Court have taken the said view in **Gaddaameedi Nagamani v. State of Telangana**¹ (Criminal Petition No.22371 of 2015, dated 17.07.2015), and in **Giduthuri Kesari Kumar v. State of Telangana**² and,

¹ 2015 (2) ALD (CrI.) 746 (A.P.)

² 2015 (2) ALD (CrI.) 470 (A.P.)

subsequently, even this Court also expressed the same view in earlier Criminal Petitions and, therefore, a different view cannot be taken.

Accordingly, the Criminal Petition is dismissed, however, observing that the appearance of petitioner Nos.2 to 8 is exempted and petitioner No.1 herein would represent petitioner Nos.2 to 8 before the Court where D.V.C proceedings are pending. However, as and when the learned Magistrate directs petitioner Nos.2 to 8 to appear, if there is absolute necessity of their appearance, they shall obey the order of the Court.

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

A.SHANKAR NARAYANA, J

Date: 22.03.2017
v v

