

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9461 of 2014

ORDER:

This Criminal Petition is filed by the petitioners/ respondent No.4 in DVC No.5 of 2013, under Section 482 Cr.P.C seeking to quash the proceedings in the above D.V.C. on the file of the I Addl.Judl.Magistrate of First Class, Amalapuram.

Heard the learned counsel for petitioner and the learned Public Prosecutor for the State and perused the material on record.

As observed by this Court in **Gaddameedi Nagamani Vs. State of Telangana & Others**¹, the application to quash the D.V.C. proceedings is not sustainable from the efficacious appeal remedy is available under Section 29 of the Domestic Violence Act.

In view of the above, the Criminal Petition is disposed of with liberty to the petitioner to file an application for one to represent others under Section 37 of Criminal Rules of Practice, it is for the learned Magistrate to consider and permit. Needless to say, as the petitioner instead of filing an appeal before the Sessions Judge, approached this Court, the appellate Court can entertain the appeal without insisting the limitation period by invoking Section 14 of the Limitation Act. The petitioner to file appeal within one week from the date of receipt of the order. Consequently, miscellaneous petitions, if any shall stand closed.

Dr.JUSTICE B.SIVA SANKARA RAO

Date: 19.09.2017
vvr

¹ 2015 (2) ALD (CrL.) 764