

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.10672 of 2017

ORDER:

The present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') is filed to quash the proceedings in Domestic Violence Case No.95 of 2017 on the file of the II-Additional Judicial Magistrate of First Class, Nizamabad.

The petitioners herein, who are the husband, mother-in-law and sister-in-law, respectively, of respondent No.1, are arrayed as respondent Nos.1 to 3 in the aforesaid D.V.C. Respondent Nos.1 and 2 herein, who are the wife and daughter of petitioner No.1 herein, filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') before the II-Additional Judicial Magistrate of First Class, Nizamabad, seeking relief under Section 20 of the Act and certain other reliefs, and the same was assigned D.V.C.No.95 of 2017.

Admittedly, it is not a case requesting to quash any of the orders passed under Section 31 of the Act.

In **Gaddameedi Nagamani v. State of Telangana¹** and **Giduthuri Kesari Kumar v. State of Telangana²**, this Court has succinctly held that in a petition under Section 482 of the Code, the request for quashment of the proceedings in D.V.C cannot be entertained.

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

² 2015 (2) ALD (CrI.) 470 (A.P.)

Since the learned counsel for the petitioners would submit that petitioner No.1 herein/respondent No.1 in the aforesaid D.V.C is attending the Court where the D.V.C is pending, the presence of petitioner Nos.2 and 3 herein/respondent Nos.2 and 3 in the aforesaid D.V.C is exempted directing petitioner No.1 herein/respondent No.1 in the D.V.C to appear on their behalf also and also directing petitioner Nos.2 and 3 herein to appear before the Court below as and when the learned Magistrate directs them to appear, if their presence is necessary.

Accordingly, the Criminal Petition is disposed of, at the admission stage itself.

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

06.11.2017
v v

JUSTICE A.SHANKAR NARAYANA

