

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.11273 OF 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in CrI.M.P. No.1790 of 2017 in D.V.C. No.178 of 2012 on the file of Judicial Magistrate of First Class, Special Mobile Court, Guntur.

2) Heard learned counsel for the petitioners and learned public prosecutor representing the respondent—State.

3) It is the case of the petitioners that respondent No.2 filed D.V.C. No.178 of 2012 under Section 12 of Protection of Women from Domestic Violence Act, 2005 before the Court of Judicial Magistrate of First Class, Special Mobile Court, Guntur, which was partly allowed on 10.02.2017. Aggrieved by the order passed in DVC, the petitioners herein along with three others preferred an appeal in CrI.A. No.138 of 2017 before the Court of Sessions, Guntur Division, Guntur along with a petition to grant stay of all further proceedings in DVC No.178 of 2012. But the Court did not pass any orders, in view of pendency of appeal and miscellaneous petition. Respondent No.2 filed CrI.P.M.P. No.1790 of 2017 in D.V.C. No.178 of 2012 on the file of the Judicial Magistrate of First Class, Special Mobile Court, Guntur, for enforcement of order under the provisions of Protection of Women from Domestic Violence Act, 2005 since the petitioners did not pay the ordered amount in DVC and the same is pending.

3) While things stood thus, the petitioner approached this Court by filing the present criminal petition seeking to quash the proceedings in CrI.P.M.P. No.1790 of 2017 in DVC No.178 of 2012. This Court cannot exercise its inherent jurisdiction under Section 482 Cr.P.C since it is subject matter of appeal and as the appeal is pending.

Therefore, the Criminal revision Petition is not maintainable and liable to be dismissed.

4) Accordingly, the Criminal Petition is dismissed. However, the Sessions Judge, is directed to dispose of the stay petition, if any, filed along with appeal, within one month from the date of receipt of copy of this order.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Dt.21.11.2017
Knl



THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.11251 OF 2017



Date:21.11.2017

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