

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.12331 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.3 of 2017 on the file of the Additional Judicial First Class Magistrate, Chirala, Prakasam District.

The petitioners herein are arrayed as respondent Nos.4 and 5 in the aforesaid D.V.C. The husband of the *de facto* complainant/2nd respondent herein is not a party to the present petition. The 2nd respondent herein filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') before the Additional Judicial First Class Magistrate, Chirala, Prakasam District, seeking the reliefs under Sections 18, 19, 20, 22, 23, 31 and 33 of the Act and the same was assigned D.V.C.No.3 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 Telangana**¹ and **Giduthuri Kesari Kumar v. State of Telangana**², this Court has succinctly held that in a petition under Section 482 of the Code, the

¹ 2015 (2) ALD (CrL.) 764 (A.P.)

² 2015 (2) ALD (CrL.) 470 (A.P.)

request for quashment of the proceedings in D.V.C cannot be entertained.

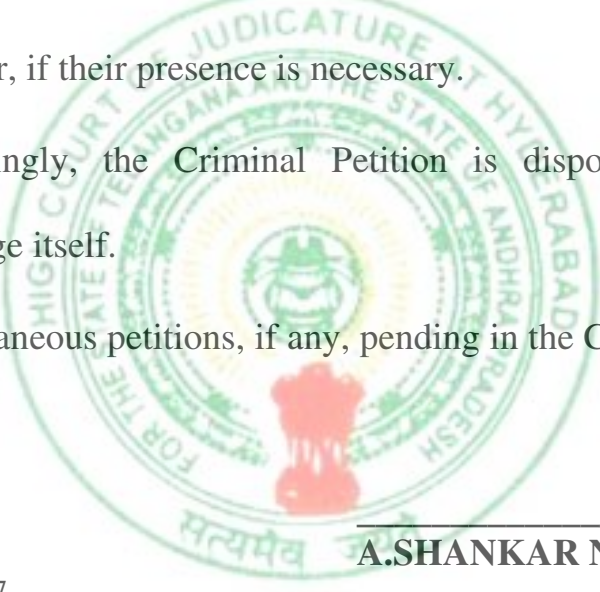
Since the learned counsel for the petitioners would submit that the 1st respondent in the aforesaid D.V.C, who is the husband of the *de facto* complainant, is attending the Court where the D.V.C is pending, the presence of the petitioners 1 and 2/respondents 4 and 5 in the D.V.C is exempted directing the 1st respondent in the D.V.C to appear on their behalf also and also directing the petitioners 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 petitions, if any, pending in the Criminal Petition stand closed.

Date: 13.12.2017

v v

**A.SHANKAR NARAYANA, J**