

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8381 of 2014

ORDER:

This Criminal Petition is filed by the petitioners/respondent Nos.2 to 7 under Section 482 Cr.P.C seeking to quash the proceedings in D.V.C.No.19 of 2014 on the file of the III Additional Judicial Magistrate of First Class, Chittoor.

Heard the learned counsel for petitioners 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.

Having regard to the above and in the result, the Criminal Petition is disposed of by giving liberty to the petitioners to move the trial Court to dispense with their personal presence of all petitioners but for one by invoking Rule 37 of Criminal Rules of Practice or Section 205 Cr.P.C or Section 126(2) Cr.P.C if not dispensed with under Section 126(2) Cr.P.C of their presence to record the evidence in the presence of their advocate and in such an event, the learned Magistrate after hearing shall consider and allow the same with necessary conditions Needless to say, as the petitioners instead of filing an appeal before the Sessions Judge approached this Court, the appellate Court shall entertain the appeal if filed within one week from the date of receipt of this

¹ 2015 (2) ALD (CrL.) 764

order without insisting the limitation period by invoking Section 14 of the Limitation Act.

Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 26.10.2018
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