

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO. 1287 OF 2014

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-R.6 to quash the proceedings in D.V.C.No.154 of 2013 on the file of the XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur, Hyderabad.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that continuation of the impugned proceedings against the petitioner-R.6 is nothing but abuse of process of Court, and ultimately, prays to quash the same. If the petitioner-R.6 is aggrieved with taking cognizance of a Domestic Violence Case, she has to agitate her grievance before the Court of Session under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (DV Act). The same is the purport of the decision rendered by the decision rendered by this Court in **GADDAMEEDI NAGAMANI VS. STATE OF TELANGANA & OTHERS¹**, whereunder it is held that the order of taking cognizance by the Magistrate under the provisions of the DV Act, 2005, is an appealable order under Section 29 of the Act. Under these circumstances, the petitioner is given liberty to file an appeal before the Court of Session, as contemplated under law.

4. However, for the reasons submitted by the learned counsel for the petitioner, presence of the petitioner-R.6 is dispensed in the proceedings before the trial Court except on

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

the dates when her presence is specifically required by the Court.

5. With the above observation, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

DR. SHAMEEM AKTHER, J

DATED: 08.02.2018
DRK



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