

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1131 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners to quash the order, dated 22.12.2017, passed in CrI.M.P.No.1109 of 2017 in D.V.C.No.14 of 2015 by the Judicial Magistrate of First Class, Bhainsa, Adilabad District.

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

3. The issue involved is with regard to conduct of D.N.A. Test to certify the legitimacy of petitioners 2 and 3 herein, who are said to be the children born to the 1st petitioner/wife through the 1st respondent/husband. The law is well settled that where an alternative and efficacious remedy by way of appeal under Section 29 of the Domestic Violence Act is available to the petitioners, the proceedings under Section 482 Cr.P.C. are not maintainable. In view of the said legal proposition, the petitioners are given liberty to invoke such remedy.

4. With the above observation, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

02nd February, 2018
Bvv