

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2809 of 2018

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioners to quash the proceedings in D.V.C.No.51 of 2017 on the file of the Judicial Magistrate of First Class, Special Mobile Court, Eluru (previously on the file of II Additional Judicial First Class Magistrate, Eluru), West Godavari District.

2. Heard the learned counsel for the petitioners, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. In view of the decision rendered by this Court in **Gaddameedi Nagamani v. State of Telangana & others**¹, the order of taking cognizance by the Magistrate under the provisions of the Domestic Violence Act, 2005, is an appealable order under Section 29 of the Domestic Violence Act, 2005. Under these circumstances, the petitioners are given liberty to file an appeal before the Court of Session, as contemplated under law.

4. Further, in view of the decision in **GIDUTHURI KESARI KUMAR AND OTHERS Vs. STATE OF TELANGANA AND OTHERS**², the remedies available to the victim under the Domestic Violence Act are civil in nature. Therefore, it is not appropriate to insist the personal appearance of the petitioners, except on the dates when their personal appearance is required. Further, the

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

² 2015 (2) ALD (CrI.) 470 (AP)

Court below is directed to follow the guidelines formulated by this Court in **GIDUTHURI KESARI KUMAR**'s case (referred supra).

5. With the above observations/directions, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 07.03.2018
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