

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO. 4774 OF 2014

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners-respondents 3 and 4 to quash the proceedings in D.V.C.No.26 of 2013 on the file of the II Metropolitan Magistrate, Cyberabad at L.B. Nagar, Hyderabad.

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

3. Learned counsel for the petitioners would submit that continuation of the impugned proceedings against the petitioners-respondents 3 and 4 is nothing but abuse of process of Court, and ultimately, prays to quash the same. If the petitioners-respondents 3 and 4 are aggrieved with taking cognizance of a Domestic Violence Case, they have to agitate their 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 & others**¹, 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 petitioners are 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 petitioners, presence of the petitioners-Respondents 3 and 4 is dispensed in the proceedings before the Court below, except on the dates when their appearance is required for some specific purpose.

5. 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

DATED: 14.02.2018
DRK

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

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