

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3267 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner to quash the proceedings in D.V.C.No.26 of 2016 on the file of Judicial Magistrate of First Class, Railway Koduru, YSR Kadapa District.

2. Heard the learned counsel for the petitioner, 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 Vs. State of Telangana & Others¹ the order of taking cognizance by the Magistrate under the provisions of the Domestic Violence Act, 2005, is an appealable order Section 29 of the Domestic Violence Act, 2005. Under these circumstances, the petitioner is 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 others², 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 petitioner, except on the dates when his personal appearance is required. Further, the Court below is directed to follow the guidelines formulated by this Court in Giduthuri Kesari Kumar's case (referred supra).

¹ 2015 (2) ALD (CrL.) 764 (A.P.)

² 2015 (2) ALD (CrL.) 470 (AP)

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

16th March, 2018
Bvv

