

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO. 15630 OF 2014

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-respondent to quash the proceedings in D.V.C.No.12 of 2014 on the file of the III Metropolitan Magistrate, Cyberabad at L.B. Nagar, 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-respondent is nothing but abuse of process of Court, and ultimately, prays to quash the same. If the petitioner-respondent is aggrieved with taking cognizance of a Domestic Violence Case, he has to agitate his 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-respondent is dispensed with, in the proceedings before the trial Court except on the dates when his appearance is required for some specific purpose.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

DR. SHAMEEM AKTHER, J

21.02.2018
DRK

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

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