

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.130 OF 2016

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.48 of 2015 on the file of the I Addl. Chief Metropolitan Magistrate, Vijayawada.

2. Heard. Perused the record.

3. In view of the decision rendered by this Court in **GADDAMEEDI NAGAMANI VS. STATE OF TELANGANA & OTHERS**¹ the order of taking cognizance by the Magistrate under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act'), 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. 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 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 (CrI.) 764 (A.P.)

² 2015 (2) ALD (CrI.) 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

DATED: 05-03-2018
Hsd

