

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No.10034 OF 2013

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in D.V.C.No.37 of 2013 on the file of the Additional Judicial First Class Magistrate, Karimnagar.

Petitioners 1 and 2 are respondents 2 and 3 in the said D.V.C. Respondents 2 and 3 are the petitioners 1 and 2, who filed the D.V.C. under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act') seeking various reliefs under Sections 18 and 20 of the Act.

The brief facts of the DVC case are that petitioner No.1 is the legally wedded wife of respondent No.1, respondent No.2 is the mother, respondent Nos.3 and 4 are sisters of respondent No.1, respondent No.5 is the son of respondent No.6, respondent No.6 is the junior paternal uncle of respondent No.1, respondent No.7 is the husband of maternal uncle of respondent No.1 while respondent No.8 is his brother. The allegation of 1st petitioner is that at the time of marriage, her parents gave Rs.1,80,000/-, 6 thulas of gold and two wheeler to the respondent on the demand of the respondents. Petitioner No.1 and respondent No.1 lead marital life for three months peacefully and thereafter disputes arose between them. Panchayat was conducted in that regard. 1st respondent beat the 1st petitioner during her pregnancy and she was hospitalized. 1st respondent consumed liquor and beat the 1st petitioner indiscriminately and the other respondents supported him. On these allegations, a complaint was lodged by the 1st petitioner against respondents 1 to 8 before the Additional Judicial First Class Magistrate, Karimnagar and the same is numbered as D.V.C.No.37 of 2013.

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

Learned counsel for the petitioners submits that the allegations against the petitioners are omnibus in nature and they are not liable for the prosecution for the offences under Sections 18 and 20 of the Act.

In the light of the judgment rendered by this Court in *Giduthuri v. Kesari Kumar and others v. State of Telangana and others* vide Crl.P.Nos.7289 of 2014 and batch, the proceedings under Sections 18 to 22 are the civil remedies available to the petitioners as they are not the offences and no punishment is prescribed unless they are violated, quash cannot be entertained.

In the light of the judgment rendered by this Court, the presence of the petitioners is dispensed with before the trial Court.

The 2nd respondent herein sought protection under Section 18 of the Act to direct the respondents in DVC to pay an amount of Rs.5,000/- per month towards maintenance and also sought permission to restrain them from entering house bearing No.10-5-245 situated at Kishannagar, Karimnagar. Since all these are questions of fact, which can be decided only on recording evidence during the course of trial, therefore, there are no valid grounds to quash the proceedings against the petitioners.

Hence, the Criminal Petition is disposed of dispensing the presence of the petitioners before the trial Court and directed the trial Court to proceed with the trial against all the respondents in the said DVC.

The Miscellaneous Petitions, if any, pending shall stand closed.

GUDI SEVA SHYAM PRASAD, J

Date : 10.04.2018
ssp