

THE HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.5908 of 2013

ORDER:

This petition is filed by the petitioner under Section 482 of Cr.P.C., seeking to quash the proceedings in DVC.No.9 of 2013 on the file of learned First Additional Judicial Magistrate of First Class at Khammam District.

2. It is represented by the learned Counsel for the petitioner and the learned Additional Public Prosecutor that the issue involved in the present Criminal Petition has already been adjudicated by the High Court in Criminal Petition Nos. 7289 of 2014 and Batch, between **GIDUTHURI KESARI KUMAR AND OTHERS Vs. STATE OF TELANGANA AND OTHERS¹**, wherein it was held as under:

“In view of the remedies which are in civil nature and enquiry is not a trial of criminal case, the quash petitions under Sec. 482 Cr.P.C. on the plea that the petitioners are unnecessarily arrayed as parties are not maintainable. It is only in exceptional cases like without there existing any domestic relationship as laid under Section 2(f) of the D.V. Act between the parties, the petitioner filed D.V. case against them or a competent Court has already acquitted them of the allegations which are identical to the ones leveled in the Domestic Violence Case, the respondents can seek for quashment of the proceedings since continuation of the proceedings in such instances certainly amounts to abuse of process of Court.”

3. Hence, in view of the submissions made and after going through the material placed on record and also following the

¹ 2015(2)ALD(Crl.)470 (AP)

decision of this Court referred to supra, the present Criminal Petition is dismissed in terms thereof. No order as to costs.

4. Miscellaneous petitions, pending consideration, if any, in the Criminal Petition, shall stand closed in consequence.

JUSTICE N. BALAYOGI

DATED:05-03-2018

Note: A copy of the order in Criminal Petition No. 7289 of 2014 and Batch, dated 16.02.2015 shall be enclosed to this Order.

slk



THE HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.7103 of 2013

Dated:19-2-2018

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