

SMT JUSTICE T.RAJANI
CRIMINAL PETITION No.8282 OF 2013

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Respondent No.4 seeking to quash the proceedings in D.V.C. No.19 of 2013, pending on the file of the Court of I Additional Chief Metropolitan Magistrate at Visakhapatnam (for short, 'the trial Court').

2. Heard learned counsel for the petitioner, learned counsel for the 1st respondent – complainant, and learned Public Prosecutor, appearing for the 2nd respondent – State.

3. Learned counsel for the petitioner submits that the petitioner herein is only brother-in-law of the 1st respondent, who is the husband of the complainant, and hence the Petition cannot be proceeded against him.

4. But, a perusal of the complaint shows that there is specific allegation against the petitioner that he along with other respondents went to the house of the complainant and threatened her and also ruthlessly abused her in filthy language. One of the reliefs sought for in D.V.C. No.19 of 2013 is to restrict the respondents from entering and interfering with the personal life of the complainant. Hence, it seems that the said relief was sought for against the petitioner also. Section 3 in the Protection of Women from Domestic Violence Act, 2005 defines the '*domestic violence*' and it says that the complaint can be maintained against the respondents, who can be the persons who are in domestic relationship with the complainant. Sharing a household is the parameter which denotes domestic relationship. The petitioner herein is the brother-in-law of the 1st respondent. Hence, whether the petitioner shared the household with the complainant becomes a question of fact, which can be decided only on due trial of the case.

5. Hence, considering the above, this Court opines that it is a matter for trial and not a fit case for quash of the proceedings.

6. Accordingly, with the above observations, the Criminal Petition is dismissed.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand dismissed.

T. RAJANI, J

Date: 06.11.2018.
Dsh



SMT JUSTICE T.RAJANI**127****09112018****CRIMINAL PETITION No.8282 OF 2013**

Date. 06.11.2018

DSH