

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.13642 OF 2015

ORDER:

Heard learned counsel for the petitioners, who are no other than respondent Nos.1 and 2 in D.V.C.No.49 of 2015 on the file of the Special Judicial First Class Magistrate, Prohibition and Excise, Kurnool, outcome of the complaint by the 2nd respondent.

Undisputedly, the trial commenced and PW.1's evidence is completed before the quash petition filed and interim stay granted by this Court on 28.12.2015 in CrI.P.MP.No.13589 of 2015.

Once such is the case, there is nothing to interdict the proceedings, but for, to say if at all there is any inconvenience among two respondents for daily attending the Court, they can approach the learned trial Magistrate to dispense with their presence under Section 126(2) or 317 Cr.P.C. or file an application under Rule 37 of the Criminal Rules of Practice for one to represent others.

More particularly, even coming to the issue of cause of action, when Section 27 of the Domestic Violence Act sub-section (1) clause (a) speaks of temporarily resides gives jurisdiction, there is nothing for this Court to allow the quash petition or to relegate of the efficacious remedy of the appeal.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:29-10-2018
pab