

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 7836 OF 2013

ORDER :

This Criminal Petition is filed under section 482 of Cr.P.C., for quashing the Proceedings in D.V.C.No. 9 of 2013 on the file of the Court of I-Additional Judicial Magistrate of First Class, Kothagudem, Khammam district by the petitioners/respondents.

2. Heard the arguments of the learned counsel for the petitioners and perused the record.

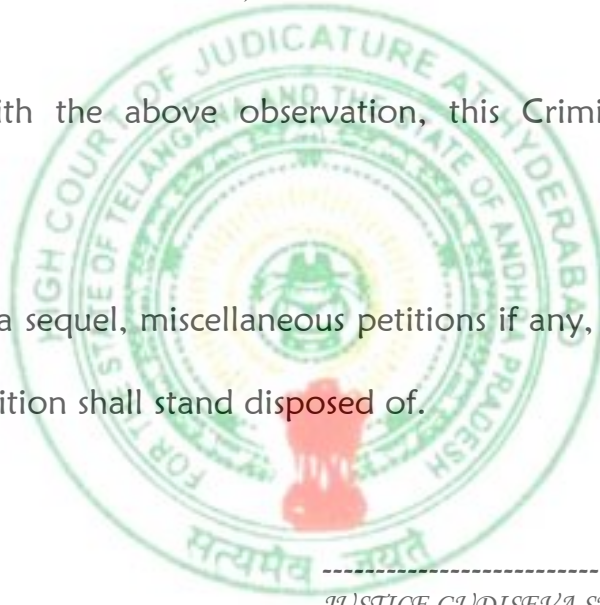
3. The learned counsel for the petitioners submits that the filing of DVC.No.9 of 2013 is nothing but abuse of process of law and the allegations in the above D.V.C., are nothing but a repetition of complaint in Crime No.109 of 2013 registered by the Police Khanapuram Haveli, Khammam district, therefore, sought for quashing the proceedings.

4. The learned counsel for the respondent No.1 submits that DVC.No.9 of 2013 has been disposed of on 20/11/2013 by the I-Additional Judicial Magistrate of First Class, Khammam.

5. However, in the light of the judgment rendered by this Court in **GADDAMEEDI NAGAMANI V/s. STATE OF TELANGANA AND ORS.** ¹, this Court is of the view that the order of taking cognizance under the provisions of Domestic Violence Act, 2005 is an appeal-able order under section 29 of the Act, and if the DVC.No.9 of 2013 has already been disposed of, this Criminal Petition becomes infructuous. If the DVC is not disposed of, as it is an appeal-able under section 29 of the Act, the parties are directed to workout their remedies under the Act, in accordance with law.

6. With the above observation, this Criminal Petition is disposed of.

7. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand disposed of.



 JUSTICE GUDISEVA SHYAM PRASAD
 30/04/2018

IsL

¹) 2015 [2] ALD [Criminal] 764

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