

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms JUSTICE J.UMA DEVI

+ Writ Petition No.30860 of 2018

% Date: 23-8-2018

- # 1. Vempali Veera Venkata Satya Raghavendra Rao,
S/o. Late Pattabhi Ramaiah, 52 years, Unemployee,
R/o D.No.50-13-27/32, Seethampet, Balaji Aptt., Visakhapatnam
2. Smt. Vempali Nageshwaramma, W/o. Late Pattabhi
Ramaiah, 76 years, R/o D.No.50-13-27/3, Seethampet,
Visakhapatnam
3. Vempali Appa Rao, S/o Late Pattabhi Ramaiah,
R/o D.No.50-13-27/3, Seethampet, Visakhapatnam
4. Chinta Vijaya Lakshmi, W/o. Meharbaba, C/o. Somraju,
D.No.5-68/1, Dondapandu, Elluru, W.G. District
5. G.Parvathi W/o Venkateshwara Rao, Income Tax Dept.,
Power Pet, Eluru. W.G. District

... Petitioners

Vs.

- \$ 1. The State of A.P., Rep. by its Secretary, Home Dept.,
Secretariat, Amaravati, Andhra Pradesh
2. Smt. Vempali Naga Venkata Kavitha Manikya
Subba Mangammaba @ Kavitha, W/o. VVVS
Raghavendra Rao, D/o. Pali Krishna, 41 years,
R/o. D.No.25-4-14, Katta Subba Rao Street,
N.R. Pet, Eluru, W.G. District
3. Vempali Yushmaja Rani D/o VVS Raghavendra Rao,
17 years, R/o. D.No.25-4-14, Katta Subba Rao Street,
N.R. Pet, Eluru, W.G. District
(being minor, rep. by her mother natural guardian R.2)
4. The Judl. I Class Magistrate, Spl. Mobile Court,
Eluru, W.G. District

... Respondents

! Counsel for Petitioners: Mr. P.Veerraju

Counsel for Respondents: ---

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> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
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Order: (per V.Ramasubramanian, J.)

Office objections are overruled. Office to number the writ petition.

2. The petitioners who are respectively the husband, the mother-in-law, the brother-in-law and the sisters-in-law of the 2nd respondent herein, have come up with the above writ petition challenging the registration of a domestic violence complaint before the II Additional Judicial Magistrate of First Class, Eluru.

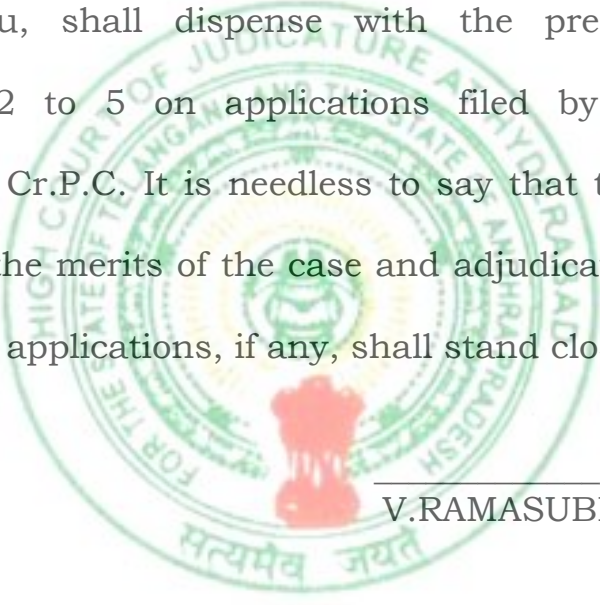
3. Heard Mr. P.Veerraju, learned counsel for the petitioners.

4. Though the learned counsel for the petitioners contended that the registration of the complaint was nothing but a harassment to the petitioners and that the 1st petitioner and the 2nd respondent have been living separately from 2006 onwards, we do not think that this Court exercising jurisdiction under Article 226 of the Constitution of India can go into the merits of the case, without even allowing the Court of first instance to go into the facts.

5. But one grievance of the petitioners needs to be addressed as well as redressed. The 2nd petitioner, who is the mother-in-law, is aged about 76 years. The 3rd petitioner is the brother-in-law and the petitioners 4 and 5 are the sisters-

in-law of the 2nd respondent. The first endeavour of any Court dealing with family disputes should be to explore the possibility of any amicable settlement towards reunion or a separation without injury to both sides. It may become impossible if the proceedings themselves turned out to be a harassment to elderly and the others who are remotely connected.

6. Therefore, even while dismissing the writ petition, it is directed that the II Additional Judicial Magistrate of First Class, Eluru, shall dispense with the presence of the petitioners 2 to 5 on applications filed by them under Section 205 Cr.P.C. It is needless to say that the Magistrate will go into the merits of the case and adjudicate upon them. The pending applications, if any, shall stand closed. No costs.



V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

23rd August, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.30860 of 2018
(per VRS, J.)



23rd August, 2018.
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