

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.7144 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioners/respondents 2 to 7 seek to quash the proceedings against them in DVC No.17 of 2010 on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam.

2) The 2nd respondent herein/petitioner filed complaint against her husband—1st respondent in DVC and petitioners herein/respondents 2 to 7 in DVC. The petitioners 1 and 2 are the parents, petitioners 3 and 5 are the sisters of the 1st respondent in DVC, petitioners 4 and 6 are the husbands of the petitioners 3 and 5 respectively. The 2nd respondent claimed protection order in her favour prohibiting the respondents from committing domestic violence. Besides, she also claimed the relief against 1st respondent in DVC to allow her to reside with him in the shared house and pay an amount of Rs.7,000/- towards maintenance and also a sum of Rs.5,00,000/- towards compensation.

3) In the light of decision rendered by this Court in ***Giduthuri Kesari Kumar and others v. State of Telangana and others***¹, holding that a quash petition against DVC case is maintainable only in exceptional circumstances enumerated in the said judgment, the matter was heard about the maintainability of the instant petition.

¹ 2015 (2) ALD(CrL.) 470 (AP) = 2016 (1) ALT (CrL.) 358 (AP)

4) The submission of learned counsel for petitioners is that petitioners 3 and 5 are the married sisters and they have been living separately and therefore, they do not have domestic relationship with the complainant and they are not liable to answer the claims made by the 2nd respondent herein/petitioner and they are unnecessarily roped in the DVC and hence the proceedings against them may be quashed.

5) I find force in the submission of learned counsel for petitioners. Petitioners 3 and 5 are married sisters and petitioners 4 and 6 are their husbands. Admittedly, they are living separately and they do not have the domestic relationship within the meaning of Section 2(f) of the Protection of Women from Domestic Violence Act, 2005. Therefore, they are not answerable for the claims made by the 2nd respondent/petitioner. However, petitioners 1 and 2 being the parents-in-law and residing with the 1st respondent in DVC, they hold the domestic relationship with the 2nd respondent/petitioner.

6) In the result, this Criminal Petition is partly allowed and the proceedings against petitioners 3 to 6/respondent Nos.4 to 7 in DVC No.17 of 2010 on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam, are quashed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 05.07.2018

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