

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.994 OF 2014

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners-respondents in D.V.C., to quash the proceedings in D.V.C.No.8 of 2013 on the file of the Judicial Magistrate of First Class, Piduguralla.

2. Heard the learned counsel for the petitioners, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. Learned counsel for the petitioners would submit that petitioner No.1-R.1 passed away some time back and that he is said to have lived with respondent No.1, and that continuation of the impugned proceedings against the petitioners is nothing but abuse of process of Court, and ultimately, prays to quash the same. If the petitioners are aggrieved with taking cognizance of a Domestic Violence Case, they have to agitate their grievance before the Court of Session under Section 29 of the Prevention of Women from Domestic Violence Act, 2005 (DV Act). The same is the purport of the decision rendered by the decision rendered by this Court in **GADDAMEEDI NAGAMANI VS. STATE OF TELANGANA & OTHERS¹**, whereunder it is held that the order of taking cognizance by the Magistrate under the provisions of the DV Act, 2005, is an appealable order under Section 29 of the Act. Under these circumstances, the petitioners are given liberty to file an appeal before the Court of Session, as contemplated under law.

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

4. With the above observation, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

DR. SHAMEEM AKTHER, J

DATED: 22-01-2018
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22.1.2018