

THE HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.7324 of 2011

ORDER:

This petition, under Section 482 of Cr.P.C., is filed seeking to quash the proceedings in DVC.No.12 of 2011 on the file of IV Additional Chief Metropolitan Magistrate, Visakhapatnam.

2. It is represented by the learned Counsel for the petitioner and the learned Assistant Public Prosecutor that the issue involved in the present case has already been adjudicated by this Court in **GIDUTHURI KESARI KUMAR AND ORS Vs. STATE OF TELANGANA AND ORS**, reported in {2015 (2) ALD (CrI) 470 (AP)} wherein this Court held that in view of the remedies available under the Protection of Women from Domestic Violence Act, 2005 are civil in nature, and enquiry therein is not a trial of criminal cases, the quash petitions under Section 482 Cr.P.C. are not maintainable. It was further held therein as under:

“In view of the remedies which are in civil nature and enquiry is not a trial of criminal case, the quash petitions under Sec.482 Cr.P.C. on the plea that the petitioners are unnecessarily arrayed as parties are not maintainable. It is only in exceptional cases like without there existing any domestic relationship as laid under Section 2(f) of the D.V. Act between the parties, the petitioner filed D.V. case against them or a competent Court has already acquitted them of the allegations which are identical to the ones leveled in the Domestic Violence Case, the respondents can seek for quashment of the proceedings since continuation of the proceedings in such instances certainly amounts to abuse of process of Court.”

3. In view of the above, following the decision of this Court referred to supra, the present Criminal petition is dismissed in terms thereof.

Miscellaneous petitions, pending consideration, if any, in the Criminal Petition, shall stand closed in consequence.

JUSTICE N. BALAYOGI

23rd February 2018
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