

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 3614 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C, petitioner/A3 seeks to quash the proceedings against her in D.V.C.No. 6 of 2012 on the file of II Additional Judicial Magistrate of First Class, Tanuku.

2. The second respondent/complainant filed DVC No. 6 of 2012 on the file of II Additional Judicial First Class Magistrate, Tanuku against three respondents i.e., her husband, her second son and her daughter-in-law respectively making allegations that they necked her out of the family house and also not looking after her welfare at her old age. She claimed several reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short "the Act").

3. In view of the judgment of this Court in **Giduthuri Kesari Kumar vs. State of Telangana**¹, except in the following exceptional circumstances, which are extracted below, the quash petitions are not maintainable on a simple ground that the respondents are unnecessarily roped in the case without their fault.

"In view of the remedies which are in civil nature and enquiry is not a trial of criminal case, the quash petitions under Section 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,

¹ 2015 (2) ALD (CrI.) 470 (AP)

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.”

4. The matter has been heard with regard to the maintainability of the quash petition and also on other aspects.

5. Admittedly, the petitioner/third respondent is the daughter-in-law of the second respondent/complainant herein and wife of the second respondent in DVC. The petition allegations in DVC No. 6 of 2012 would show that since prior to the filing of the said case all of them resided under one roof. Thus, facts would tell us that there exist a domestic relationship between the petitioner/third respondent and the second respondent/complainant in terms of Section 2(f) of the Act. Therefore, the case of the petitioner/3rd respondent does not fall within the exceptions mentioned in the judgment referred supra and she has to appear before the trial Court and defend her case.

6. The Criminal Petition is dismissed accordingly.

As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 02.07.2018

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