

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No. 217 of 2019

ORDER :

This criminal petition is filed by the petitioners/respondent Nos. 1 to 3 under Section 482 Cr.P.C seeking to quash the proceedings in D.V.C. No. 37 of 2017 on the file of the Court of XI-Metropolitan Magistrate, Cyberabad at LB Nagar, Ranga Redy district.

2. Heard the learned counsel for petitioners and perused the material on record.

3. As held by this Court in **GADDAMEEDI NAGAMANI V/s. STATE OF TELANGANA**¹, the remedy of the petitioners left open is to file an appeal against the order taken cognizance in D.V.C. as per Section 29 of the Protection of Women from Domestic Violence Act. In fact, the Apex Court in **STATE OF HARYANA V/s. BHAJAN LAL**² laid down the seven guidelines which include showing of no other alternative or efficacious remedy as per clause (f) of (a to g) to maintain the quash proceedings. Here, once there is an efficacious appeal remedy provided undisputedly even to impugn the taking of cognizance (taken on file) of the matter for the relief sought, such order to impugn before Court of Sessions, this Court is not inclined to stretch its hand to admit for quash the proceedings.

¹ 2015(3) ALT (CrI.) 263

² AIR 1992 SC 604

4. In the result, the criminal petition is disposed of giving liberty to the petitioners to move the trial Court to dispense with their personal presence of all petitioners but for one by invoking Rule 37 of Criminal Rules of Practice or Section 205 Cr.P.C or Section 126(2) Cr.P.C if not dispensed with under Section 126(2) Cr.P.C of their presence to record the evidence in the presence of their advocate and in such an event, the learned Magistrate after hearing shall consider and allow the same with necessary conditions. Needless to say as the petitioners instead of filing an appeal before the Sessions Judge approached this Court, the petitioners can file appeal within one week from the date of receipt of this order for the appellate court concerned to number, if other wise in order without reference to any delay in filing by virtue of this order.

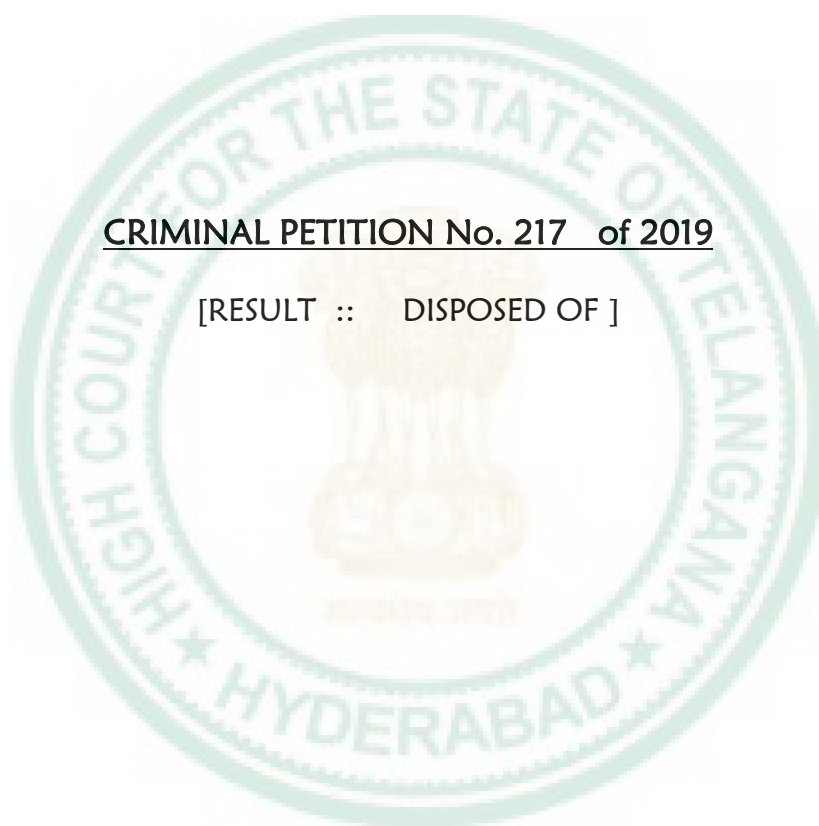
5. As a sequel, miscellaneous petitions pending, if any, in the criminal petition shall stand closed.

Dr. JUSTICE B. SIVA SANKARA RAO.

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[RESULT :: DISPOSED OF]



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