

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.454 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioners to quash the proceedings in D.V.C.No.07 of 2017 on the file of Additional Judicial Magistrate of First Class, Bodhan.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent-State. Perused the record.

3. In the course of submissions, it is brought to the notice of this Court that the 1st petitioner is aged about 78 years and 2nd petitioner is a house wife. It is pertinent to state that in view of the decision rendered by this Court in Gaddameedi Nagamani Vs. State of Telangana & Others¹, the order taking cognizance by the learned Magistrate under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act'), is appealable under Section 29 of the Act. When there is an efficacious remedy available, no petition under Section 482 Cr.P.C. can be maintained before this Court. Under these circumstances, the petitioners are given liberty to file an appeal before the Court of Session, as contemplated under law.

4. Accordingly, the Criminal Petition is dismissed as not maintainable. However, the petitioners are at liberty to workout their remedies before the Court of Session. In the given

¹ 2015 (2) ALD (CrL.) 764 (A.P.)

circumstances, the Court below shall not insist for appearance of the petitioners herein.

Miscellaneous Petitions, if any, pending in this criminal petition case shall stand closed.

Dr. SHAMEEM AKTHER, J

MARCH 07, 2019
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Date:07.03.2019

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