

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.720 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/respondent Nos.2 to 4 seeking to quash the proceedings in D.V.C.No.26 of 2018 on the file of II Additional Judicial Magistrate of First Class, Khammam.

2. Heard the learned counsel for the petitioners/respondent Nos.2 to 4 and the learned Additional Public Prosecutor appearing for the 1st respondent-State. Perused the record.

3. It is pertinent to state that in view of the decision rendered by this Court in Gaddameedi Nagamani v. 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. With the above observation, the Criminal Petition is disposed of.

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

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

Dr. SHAMEEM AKTHER, J

MARCH 11, 2019
YVL



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Date:11.03.2019

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