

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1539 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners to quash the proceedings in D.V.C.No.18 of 2018 on the file of the Additional Judicial Magistrate of First Class at Peddapally.

2. Heard both sides. Perused the record.

3. In view of the decision rendered by this Court in Gaddameedi Nagamani Vs. State of Telangana & Others¹ the order of taking cognizance by the Magistrate under the provisions of the Protection of Women from Domestic Violence Act, 2005, is appealable under Section 29 of the Protection of Women from Domestic Violence Act, 2005. Under these circumstances, the petitioners are given liberty to file an appeal before the Court of Session, as contemplated under law.

4. Further, in view of the decision in Giduthuri Kesari Kumar and others Vs. State of Telangana and others², the remedies available to the victim under the Protection of Women from Domestic Violence Act, 2005, are civil in nature. Therefore, it is not appropriate to insist the personal appearance of the petitioners before the Court below, except on the dates when their personal appearance is essential. Further, the Court below is directed to follow the guidelines formulated by this Court in Giduthuri Kesari Kumar's case (2 supra).

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

² 2015 (2) ALD (CrI.) 470 (AP)

5. With the above observations/directions, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 18.03.2019
ssp

