THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1561 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners seeking to quash the proceedings in D.V.C.No.3 of 2019 on the file of Judicial Magistrate of First Class, Devarakonda, Nalgonda District.

2. Heard both sides. Perused the record.

3. In view of the decision rendered by this Court in Gaddameedi Nagamani v. State of Telangana and others[1], the order of taking cognizance by the 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. 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 v. State of Telangana and others[2], the remedies available to the victim under the Act 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

[1] 2015 (2) ALD (Crl.) 764 (A.P.)
[2] 2015 (2) ALD (Crl.) 470 (A.P.)

below is directed to follow the guidelines formulated by this Court in Giduthuri Kesari Kumar's case (2 supra).

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

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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Dr. SHAMEEM AKTHER, J

March 19, 2019.
MD