

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1753 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.8 of 2018 on the file of I Additional Judicial Magistrate of First Class, Khammam.

2. Heard learned counsel for the petitioners and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. In view of the decision rendered by this Court in Gaddameedi Nagamani v. State of Telangana and others¹, 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 others², 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

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

² 2015 (2) ALD (CrI.) 470 (A.P.)

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*).

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

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

March 29, 2019.
MD

Dr. SHAMEEM AKTHER, J

