

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1817 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.18 of 2016 on the file of X Metropolitan Magistrate at Malkajgiri.

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

3. In the course of submissions, it is brought to the notice of this Court that the son of petitioner Nos.1 and 2 was murdered in front of the said D.V.C. Court, after he attended the Court; that 52 stab injuries were caused to the son of petitioner Nos.1 and 2; and that the murder of son of petitioner Nos.1 and 2 has certain serious effects over the petitioners.

4. Under these circumstances and in view of the decision in *Giduthuri Kesari Kumar and others v. State of Telangana and others*<sup>1</sup>, as the remedies available to the victim under the Protection of Women from Domestic Violence Act, 2005 are civil in nature, 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.

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<sup>1</sup> 2015 (2) ALD (CrL.) 470 (A.P.)

5. Hence, unless it is essential, the Court below shall not insist the appearance of the petitioners herein in the subject D.V.C.

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

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

April 02, 2019.  
MD

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Dr. SHAMEEM AKTHER, J

