

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.3163 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner to quash the proceedings in D.V.C.No.1 of 2017 on the file of XIII Metropolitan Magistrate, Cyberabad at L.B.Nagar.

2. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor representing the 3rd respondent-State and 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 an appealable order under Section 29 of the Protection of Women from Domestic Violence Act, 2005. Under these circumstances, the petitioner is 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 petitioner before the Court below, except on the dates when her personal appearance is essential. Further, the Court below is directed to

¹ 2015 (2) ALD (CrL.) 764 (A.P.)

² 2015 (2) ALD (CrL.) 470 (AP)

follow the guidelines formulated by this Court in *Giduthuri Kesari Kumar's case* (referred *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.

24th June, 2019
Bvv

JUSTICE G.SRI DEVI

