

THE HON'BLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.4387 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/respondents 2 to 5 seeking to quash the proceedings in D.V.C.No.8 of 2018 on the file of Additional Judicial Magistrate of First Class, Gajwel.

2. Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor representing the 1st respondent-State and perused the record.

3. In view of the decision rendered by this Court in **Gaddameedi Nagamani Vs. State of Telangana & 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.

4. At this stage, learned counsel for the petitioners would submit that petitioner Nos.1 and 2 are aged persons and petitioner Nos.3 and 4 are house wives, their personal appearance before the Court below may be dispensed with.

5. Under these circumstances, the petitioners are given liberty to file an appeal before the Court of Session, as contemplated under law. In the given circumstances, the Court below shall not insist the personal appearance of the petitioners/respondents 2 to 5, unless their presence is so warranted.

¹ 2015 (2) ALD (CrI.) 764 (A.P.)

6. With the above observation, the Criminal Petition is disposed of.

Pending Miscellaneous Petitions, if any, shall stand closed.

JUSTICE G. SRI DEVI

JULY 26, 2019

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Date:26.07.2019

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