

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4644 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/respondent Nos.1 to 5 seeking to quash the proceedings against them in D.V.C. No.17 of 2019 on the file of Additional Judicial Magistrate of First Class, Sircilla.

2. Heard Sri Ramesh Chilla, learned counsel for the petitioners/respondent Nos.1 to 5 and learned Assistant Public Prosecutor representing respondent No.1 - State, and perused the record.

3. In view of the decision rendered by this Court in **Gaddameedi Nagamani v. 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 an appealable order 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, remedies available to the victim under the Act are civil in nature. Therefore, it

¹ 2015 (2) ALD (CrL.) 764 (A.P.)

² 2015 (2) ALD (CrL.) 470 (AP)

is not appropriate to insist the personal appearance of the petitioners/respondents, except on the dates when their personal appearances are required. Further, the Court below is directed to 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.

As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

JUSTICE G. SRI DEVI

August 06, 2019
Mgr

