

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION No.5972 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/respondent Nos.4 to 7 seeking to quash the proceedings against them in D.V.C.No.08 of 2019 on the file of Additional Judicial Magistrate of First Class, Gagwel.

2. Heard. Perused the record.

3. It is pertinent to state that in view of the decision rendered by this Court in **Gaddameedi Nagamani v. State of Telangana & Others**¹, the order taking cognizance by the learned 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. When there is an efficacious remedy available, no petition under Section 482 Cr.P.C. can be maintained before this Court. Under these circumstances, the petitioners are given liberty to file an appeal before the Court of Session, as contemplated under law.

4. With the above observation, the Criminal Petition is disposed of leaving it open to the petitioners to avail the appellate remedy in accordance with the due procedure.

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

JUSTICE G SRI DEVI

23rd September, 2019
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¹ 2015 (2) ALD (CrL.) 764 (A.P.)

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Date:23.09.2019

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