

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.14140 of 2013

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners to quash the proceedings in D.V.C.No.33 of 2013 on the file of Additional Judicial Magistrate of First Class, Medak at Sangareddy.

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 & 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 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 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 petitioners before the Court below, except on the dates when their personal appearance is required. 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
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JUSTICE G.SRI DEVI

