

THE HON'BLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.1781 of 2020

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/respondent No.1 seeking to quash the proceedings in D.V.C.No.31 of 2017 (old D.V.C.No.113 of 2015) on the file of Special Judicial Magistrate of First Class (PCR) Mobile at Karimnagar.

2. Heard the learned counsel for the petitioner/respondent No.1, learned Assistant Public Prosecutor representing the 4th respondent-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 petitioner/respondent No.1 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 v. State of Telangana and others**², the remedies available to the victim under the Act are civil in nature. Therefore, it is not appropriate to insist the personal appearance of the petitioner/respondent No.16, except on the dates when his personal appearance is required. Further, the Court below is

¹ 2015 (2) ALD (CrL.) 764 (A.P.)

² 2015 (2) ALD (CrL.) 470 (AP)

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.

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

JUSTICE G. SRI DEVI

12th March, 2020

YVL



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Date:12.03.2020

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