

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 6029 OF 2022

Between:

1. G. Yakhobhooshan, S/o. G. Ramachandru, aged 35 years, Occ Private Employee, R/o. Plot No. 30, Sy. No. 60, Road No. 5, Chandrapuri Colony, L.B. Nagar.
2. G. Ramachandru, S/o. Late Mallaiah, aged 64 years, Occ Agriculture, R/o. H. No. 3-30, Gangu Banda Village, Thungathurthy Mandal, Suryapet District.
3. G. Rajitha, W/o. G. Ramachandru, aged 54 years, Occ House Wife, R/o. H. No. 3-30, Gangu Banda Village, Thungathurthy Mandal, Suryapet District.
4. G. Venkanna, S/o. G. Ramachandru, aged 32 years, Occ Private Employee, R/o. Chandrapuri Colony, L B Nagar, Ranga Reddy District.
5. G. Prashanth, S/o. G. Ramachandru, aged 35 years, Occ Private Employee, R/o. Chandrapuri Colony, L B Nagar, Ranga Reddy District.

...PETITIONER/ACCUSED 1 to 5

AND

1. State of Telanagana, Rep. by its Public Prosecutor, High Court of Telangana, Hyderabad.

...RESPONDENT

2. Gundgani Usha Rani, W/o. G. Yakhobhooshan, aged 29 years, R/o. H. No. 5-134, Sri Krishna Nagar Colony, Occ. Pvt Employee, Gowrelli, Abdullapurmet, Ranga Reddy District.

...RESPONDENT/DEFACTO COMPLAINANTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the entire proceedings in D.V.C No. 46 of 2021 on the file of the court of learned Junior Civil Judge Cum XXIV Additional Metropolitan Magistrate Cyberabad at Hayathnagar.

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings including appearance of the Petitioners in D.V.C No. 46 of 2021 on the file of the court of learned Junior Civil Judge Cum XXIV Addl. Metropolitan Magistrate, Cyberabad at Hayathnagar, pending disposal of the main criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M TARAK ABHILASH , Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 not appeared

The Court made the following: ORDER

HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.6029 of 2022

ORDER:

Heard the submission of learned counsel for the petitioners and the learned Assistant Public Prosecutor who is representing respondent No.1. Having regard to the limited relief sought for, issuance of notice to respondent No.2 is felt not necessary.

2. Seeking to quash the proceedings that are pending against the petitioners who are arrayed as respondent Nos.1 to 5 in DVC.No.46 of 2021 that is pending on the file of the Court of Junior Civil Judge-cum-XXIV Additional Metropolitan Magistrate, Cyberabad, this Criminal Petition is filed.

3. Learned counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the father-in-law, petitioner No.3 is the mother-in-law and petitioner Nos.4 and 5 are the brothers-in-law of respondent No.2. Respondent No.2 has initiated the proceedings against the petitioners under the provisions of

the Protection of Women from Domestic Violence Act, 2005. Learned counsel further states that petitioner Nos.2 to 5 never interfered with the family affairs of petitioner No.1 and respondent No.2. Learned counsel further states that petitioners Nos.4 and 5 are living separately from petitioner No.1 and respondent No.2 and as such, they have nothing to do with their family affairs. Learned counsel further states that a false case is foisted only to harass the petitioners. Learned counsel further states that petitioner Nos.2 and 3 being aged persons and petitioner Nos.4 and 5 being employees and are facing much difficulty in attending the trial Court for each and every adjournment and therefore, their personal appearance before the trial Court may be dispensed with. Learned counsel states that no further orders are required in this Criminal Petition except to dispense with the personal appearance of the petitioners before the trial Court during the course of the said DVC proceedings.

4. This Court has clearly indicated in its order in Criminal Petition No.5840 of 2022, dated 07.7.2022 that

the proceedings that are undertaken under the Protection of Women from Domestic Violence Act, 2005 by the Courts of Judicial Magistrate of First Class for granting various kinds of reliefs as enshrined under Sections 18 to 22 of the DVC Act are more civil in nature and therefore, the personal appearance of the respondents therein for each and every adjournment, in case they are represented by their counsel, is not required. Exhibiting the same view, this Criminal Petition is disposed of with the following directions:-

- (1) The Court of XXIV Additional Metropolitan Magistrate, Cyberabad is directed not to insist upon the personal appearance of petitioner Nos.2 to 5 who are arrayed as respondent Nos.2 to 5 in DVC.No.46 of 2021 that is pending on the file of the said Court in case they are represented by their counsel.
- (2) However, the above direction does not debar the Court from ordering the personal appearance of respondent Nos.2 to 5 therein,

who are petitioner Nos.2 to 5 herein, in case their appearance is felt necessary. Also, this exemption does not apply if the proceedings are commenced under Section 31 of the DVC Act.

5. As a sequel, pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The V Additional Metropolitan Magistrate Cyberabad at L.B.Nagar
2. The Station House Officer, Saroomagar Women's Police Station Rachakonda Commissionerate.
3. One CC to SRI. M TARAK ABHILASH, Advocate. [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad.[OUT]
5. Two CD Copies
6. One Spare Copy

SB



HIGH COURT

DATED:11/07/2022

ORDER

CRLP.No.6029 of 2022



DISPOSING OF THE CRIMINAL PETITION
WITHOUT COSTS

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MMA

DT 26/7/2022