

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 10078 OF 2022

Between:

1. Moosiboyina Veeranjanyulu, S/o.M.Venkateshwar Rao Aged about 43 years, Occ - Software Engineer
2. Moosiboyina Venkateshwar Rao, S/o. Aged about 65 years, Occ - Agriculture
3. Moosiboyina Samrajyam, W/o.M.Venkateshwar Rao Aged about 60 years, Occ - Housewife
4. Moosiboyina Shiva Nagaraj, S/o.M.Venkateshwar Rao Aged about 36 years, Occ - Business
5. Moosiboyina Rama Tulasi, W/o.M.Shiva Nagaraj Aged about 34 years, Occ - Govt. Employee

(All are R/o.H.No.4-109, Punadi Padu Village, Kankipadu Mandal, Krishna District, A.P.)

6. Maganti Veeraraju, S/o.M.Nageshwar Rao Aged about 50 years, Occ - Agriculture R/o. Gudur Village and Mandal Near Machilipatnam, Krishan District, A.P.
7. Leelavathi, W/o.M.Veeraraju, Aged about 45 years, Occ - Housewife R/o.Gudur Village and Mandal Near Machilipatnam, Krishan District, A.P.

...Petitioners

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature At Hyderabad.
2. Smt.Veerla Phanipriya, D/o.V.Nageshwar Rao W/o.Moosiboyina Veeranjanyulu Aged about 35 years, Occ - Housewife
3. Tinesh, S/o.M.Veeranjanyulu Aged about 7 years, Occ - Student
4. Vijayasree, D/o.M.Veeranjanyulu Aged about 6 years, Occ - Student

(Resp.No.3 and 4 being minors they are under the guardian ship of her natural mother i.e., Respondent No.2)

Resp.No.2 to 4 are R/o.H.No.4-4-159, Vikarabad Municipality and District, Telangana State)

...Respondents/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 proceedings against the petitioners in D.V.C.No.12 of 2022, on the file of Hon'ble Judicial First Class Magistrate, Vikarabad District.

I.A. NO: 2 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 in D.V.C.No.12 of 2022, on the file of Hon'ble Judicial First Class Magistrate, Vikarabad District, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri TERA RAJINIKANTH REDDY, Advocate for the Petitioner and of the Assistant Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None Appeared for the Respondent No.2 to 4

The Court made the following: ORDER

THE HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10078 OF 2022

ORDER:-

1. Heard the submission of the learned counsel for the petitioners. Respondent No.1 is a formal party. In the light of the limited request made, issuance of notice to Respondent No.2 is felt not necessary.

2. Seeking the Court to quash the proceedings that are pending against the petitioners who are arrayed as respondent Nos.1 to 7 in D.V.C.No.12 of 2022, on the file of the Court of Judicial Magistrate of First Class, Vikarabad, the present Criminal Petition is filed.

3. Learned counsel for the petitioners submits that the petitioners were not at fault and respondent No.2 foisted a false case against the petitioners. Learned counsel also submits that despite hectic efforts to protect the matrimonial relationship, respondent No.2 did not hear the words of the elders and foisted a false case. Learned counsel also submits that respondent No.2 also filed a maintenance case and the same is pending. Learned counsel further submits that the petitioners are travelling more than 300 KMs from their native State i.e., Andhra

Pradesh to attend the Court for each and every adjournment, therefore, no further orders in this Criminal Petition are required except to dispense with their attendance.

4. This Court has clearly indicated in its order in Criminal Petition No.5840 of 2022, dated 07.07.2022 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 said 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:-

- (i) The Court of Judicial Magistrate of First Class, Vikarabad District, is directed not to insist upon personal appearance of the petitioners/Respondent Nos.1 to 7 during the course of proceedings in D.V.C.No.12 of 2022 that is pending on the file of the said Court, in case they are represented by an Advocate.

(ii) However, the above direction does not debar the Court from ordering the personal appearance of the respondents therein, who are the petitioners herein, in case their appearance is felt necessary. Also, this exemption does not apply if the proceedings are commenced under Section 31 of the Protection of Women from Domestic Violence Act, 2005.

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

//TRUE COPY//

Sd/- G SIREESHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial I Class Magistrate, Vikarabad District.
2. Two CCs to the Public Prosecutor for the state of Telangana at Hyderabad (OUT)
3. One CC to SRI. TERA RAJINIKANTH REDDY Advocate [OPUC]
4. Two CD Copies

pr
Bsk.

HIGH COURT

Dr.CSLJ

DATED:15/11/2022

ORDER

CRLP.No.10078 of 2022



DISPOSING OF THE CRIMINAL PETITION

7 Copies

Bsls
24.1.23.