

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

FRIDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 12647 OF 2023

Between:

1. PARTHA SARATHI DAS,, S/o.Laksmhi Narayana Das, age- 30 years, Occ- Occ- private Employee
2. ADILAKSHMI DAS,, W/o Laksmhi Narayana, age- 59 years, Occ- Housewife
3. LAKSHMI NARAYANA DAS, S/o. Krupasindhu Das, age- 60 years, Occ- Retired Employee,
Petitioners/Respondent No. 1 to 3 are R/ o. H. No. 13-2/121, Silent Avenue,
Road No.5, Vayushakthi Nagar, Dubai Building, Dammaiguda, Keesara
Mandal, Medchal-Malkajgiri, Telangana-500083
4. HARI PRIYA PURIPANDA, D/o. Lakshmi Narayana Das, age- 29 years, Occ- Housewife,
5. PURIPANADA KISHORE KUMAR, S/o. U.M.W.R. Puropanda, Age- 38 years
Occ- Private Employee,
Petitioners 4 and 5 are resident of 0008, G-Floor, Sri Venkateswara Nilaya,
Thubarahalli, Whitefiled, Thubarahalli, Bengaluru, Karnataka-560066

...Petitioners/Accused Nos.1 to 5

AND

1. Archana Kar, W/o. Parthasarathi Das, Age- 28 years, Occ- Housewife, R/o. H. No. 26-95/6/7, Flat No. AI, Ist Floor, Arjuna Apartements, Balaram Nagar, Safilguda, Neredmet, Medchal-Malkajgiri, Telangana-500056

...Respondent/Defacto Complainant

2. State of Telangana, Represented by its Public Prosecutor, High Court of Telangana, Hyderabad

...Respondent/Complainant

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 call for the record relating to criminal case registered as D.V.C. No. 74 OF 2023 on the file of the I Additional Metropolitan Magistrate. At. Malkajgiri and quash the same in respect of the Petitioners /Respondent Nos. 1 to 5.

I.A. NO: 2 OF 2023

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 Stay all further proceedings in D.V.C. No. 74 OF 2023 on the file of I Additional Metropolitan Magistrate. At. Malkajgiri pending disposal of the present Criminal Petition and pass such other order or orders

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MARKANDEYA RAJU R, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.2, and for the Respondent No.1 not appeared either in person or by Advocate.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

CRIMINAL PETITION No.12647 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners to quash the proceedings against them in D.V.C.No.74 of 2023 pending on the file of I Additional Metropolitan Magistrate at Malkajgiri.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor representing respondent No.2-State. Perused the record.

3. In the light of the judgment in ***Gaddameedi Nagamani v. State of Telangana***¹, a petition to quash the proceedings in Domestic Violence Case is not maintainable, as Section 29 of the Protection of Women from Domestic Violence Act, 2005 affords an efficacious remedy by way of an appeal against the act of the Court below in taking cognizance and numbering the D.V.C.

¹ 2015 (2) ALD (CRL.) 764

4. In view of the above, the petitioners are at liberty to avail the said alternative remedy.

5. However, in view of the request made by the learned counsel for the petitioners, the appearance of the petitioners in D.V.C.No.74 of 2023 pending on the file of I Additional Metropolitan Magistrate at Malkajgiri, is dispensed with, except on the dates whenever their presence is required by the trial Court, and they shall be represented by their counsel.

6. Accordingly, the Criminal Petition is disposed of.

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

//TRUE COPY//

SD/- T.VIJAY KUMAR
ASSISTANT REGISTRAR



SECTION OFFICER

To,

1. The I Additional Metropolitan Magistrate. At. Malkajgiri
2. Two CC to Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI. MARKANDEYA RAJU R, Advocate [OPUC]
4. Two CD Copies

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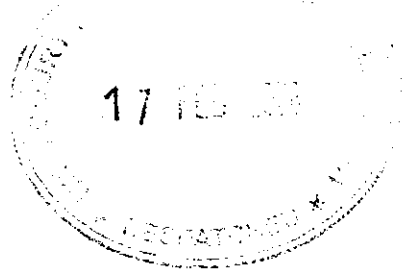


HIGH COURT

DATED:22/12/2023

ORDER

CRLP.No.12647 of 2023



DISPOSING OF THE CRIMINAL PETITION.

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