

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

THURSDAY ,THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 5187 OF 2024

Between:

1. E.Naveen Kumar Goud, S/o.Ramnarsaiah, Aged about 44 years, Occ- Mechanical Engineer, R/o.H.No.12-1-507/6/1, Laxminagar, Lalapet, Secunderabad, represented by his GPA Holder E.Ramnarsaiah, S/o.LateMuthaiah Aged about 66 years, Occ- Retired Employee
2. E.Ramnarsaiah, S/o.Late Muthaiah, Aged about 66 years, Occ- Retired Employee, R/o.H.No.12-1-507/6/1, Laxminagar, Lalapet, Secunderabad.
3. Smt.E.Chandrakala, W/o. E.Ramnarsaiah, Aged about 58 years, Occ- Housewife, R/o.H.No.12-1-507/6/1, Laxminagar, Lalapet, Secunderabad.

...PETITIONERS/ACCUSED

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana Hyderabad. 1st Respondent/State
2. Smt.E.Ashwini, W/o.E.Naveen Kumar Goud, Aged about 38 years, Occ- Housewife, R/o.H.No.8-43/8/U/8, Balaji Hills, Uppal, Medchal Malkajgiri District.

...2nd RESPONDENT/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 call for the records relating to DVC.No.117 of 2018 on the file of court of II Addl. Junior Civil Judge-cum- I Addl. Metropolitan Magistrate, Medchal-Malkajgiri District and quash the proceedings in DVC.No.117 of 2018.

I.A. NO: 2 OF 2024

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 pass a direction for expeditious disposal of the petition in DVC.No.117 of 2018 on the file of court of II Addl. Junior Civil Judge-cum- I Addl. Metropolitan Magistrate, Medchal-Malkajgiri District by fixing a time period, pending the disposal of the Crl. Petition.

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohd Subhan Pasha, Advocate for the Petitioners and the Asst. Public Prosecutor on behalf of the Respondent No. 1 and None appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.5187 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners/ respondent Nos.1 to 3 to quash the proceedings against them in D.V.C.No.117 of 2018 pending on the file of II Additional Junior Civil Judge-cum-VI Additional Metropolitan Magistrate, Medchal-Malkajgiri District.

2. Heard Sri Mohd Subhan Pasha, learned counsel for the petitioners and the learned Assistant Public Prosecutor for respondent No.1 – 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.

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

¹ 2015 (2) ALD (CRL.) 764

5. However, in view of the request made by the learned counsel for the petitioners, the appearance of the petitioners/respondent Nos.1 to 3 in D.V.C.No.117 of 2018 pending on the file of II Additional Junior Civil Judge-cum-VI Additional Metropolitan Magistrate, Medchal-Malkajgiri District, is dispensed with, except on the dates whenever their presence is required by the trial Court, and they shall be represented by their counsel on every date of hearing and in case of default, this order gets vacated automatically

6. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Addl. Junior Civil Judge-cum- I Addl. Metropolitan Magistrate, Medchal-Malkajgiri District
2. The Protection Officer, Women and Child Welfare under DVC Act, (Sakhi centre) at Vanasthaliuram, Ranga Reddy District.
3. One CC to Sri Mohd Subhan Pasha, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

BJLB/kam

CHP

HIGH COURT

DATED:02/05/2024

ORDER

CRLP.No.5187 of 2024

CRIMINAL PETITION IS DISPOSAL OF



8/CHR
15/6/24