IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE THIRD DAY OF JANUARY TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 13005 OF 2023

Between:

1. Smt. Kousalya Penjarla, W/o. Late Dayanand Penjarla, Aged 62 years, Occ- Housewife, Caste- Kummari.
2. Gowri Shanker Penjarla, S/o. Late Dayanand Penjarla, Aged 45 years, Occ- Private Job, Caste- Kummari.

Both the petitioners are residing at H.No. 15-5-448, Ashok Bazar, Afzal Gunj, Hyderabad.

...Petitioners/Respondent nos. 2 & 3

AND

1. State of Telangana, represented through Public Prosecutor, High Court at Hyderabad, Hyderabad.
2. Smt. Swathi Gujjari, W/o. Hari Prasad Penjarla, Aged 38 years, Occ- Housewife, Caste- Padmshali, R/o. Flat No. 201, ANR Eshwar Residency Apartment, Road No.3, Green Hills Colony, Kothapet, Ranga Reddy District - 500 035.

...RESPONDENTS

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 DVC No. 57/2023 on the file of the IV Additional Metropolitan Magistrate Court, Ranga Reddy District, at L.B.Nagar.

I.A. NO: 1 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 grant stay of all further proceedings in DVC No. 57/2023 on the file of IV Additional Metropolitan Magistrate Court, Ranga Reddy District, at L.B.Nagar, including dispense with the presence of petitioners before the court below.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P.V.L. BHANU PRAKASH, Advocate for the Petitioners and the Public Prosecutor for the Respondent No. 1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE T. MADHAVI DEVI

CRIMINAL PETITION No.13005 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/ respondent Nos.2 and 3 to quash the proceedings against them in D.V.C.No.57 of 2023 pending on the file of IV Additional Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar.

2. Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor for 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.

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

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[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. 2 and 3 in DVC No.57 of 2023 pending on the file of IV Additional Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar, 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, shall also stand closed.

Sd/- MODH.SANAULLAH ANSARI
ASSISTANT REGISTRAR

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SECTION OFFICER

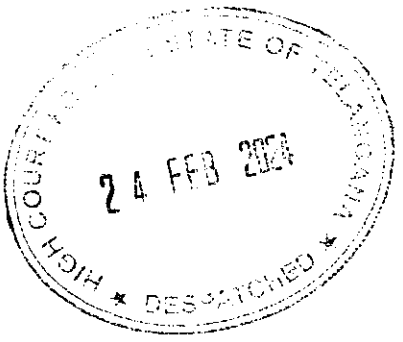
To,

1. The IV Additional Metropolitan Magistrate Court, Ranga Reddy District at L.B.Nagar.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
3. One CC to SRI. P.V.L. BHANU PRAKASH, Advocate [OPUC]
4. **Two CD Copies**

USR

HIGH COURT

DATED: 03/01/2024



ORDER

CRLP.No.13005 of 2023

DISPOSING THE CRL.P.

VVV
13/2/24