

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

WEDNESDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE
PRESENT

THE HONOURABLE SMT JUSTICE T. MADHAVI DEVI
CRIMINAL PETITION NO: 11744 OF 2023

Between:

1. Smt. Dugyala Vijaya Lakshmi, W/o. Prasad, Aged about 55 years, Occ: Business, R/o. H.No. 11-11-56/1/305, Prashanthi Apartments, Road No. 2, Telephone Colony, Near Saraswathi Temple, SRK Puram, Kothapet, Ranga Reddy District.
2. Sri Dugyala Prasad, S/o. Late Sri D. Chandraiah, Aged about 62 years, Occ: Retd. Employee, R/o. H.No. 11-11-56/1/305, Prashanthi Apartments, Road No. 2, Telephone Colony, Near Saraswathi Temple, SRK Puram, Kothapet, Ranga Reddy District.

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad.
2. Dugyala Kavya @ Tangellapalli Kavya, W/o. Dinesh Kumar, Aged about 29 years, Occ: House Wife, R/o. MC-406, PV Colony, Manuguru, Badradri Kothagudem District.

...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 quash the proceedings in DVC No. 22 of 2022 on the file of the Honble Judicial First Class Magistrate at Manuguru.

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 DVC No. 22 of 2022 on the file of the Honble Judicial First Class Magistrate at Manuguru, including appearance of the petitioners/Respondents No. 2 and 3.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri POTTIGARI SRIDHAR REDDY, Advocate for the Petitioner and the 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 T. MADHAVI DEVI

CRIMINAL PETITION No.11744 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.22 of 2022 pending on the file of the Judicial Magistrate of First Class at Manuguru.

2. Heard learned counsel for the petitioners and Sri S.Ganesh, 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.) 761

5. However, in view of the request made by the learned counsel for the petitioners/respondent Nos.2 and 3, the appearance of the petitioners/respondent Nos.2 and 3 in D.V.C.No.22 of 2022 pending on the file of the Judicial Magistrate of First Class at Manuguru, 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 pending, if any, shall stand closed.

SD/- G.SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Judicial First Class Magistrate at Manuguru.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT].
3. One CC to Sri POTTIGARI SRIDHAR REDDY, Advocate [OPUC].
4. Two CD Copies.

SSR
NS

CHR

HIGH COURT

DATED: 29/11/2023



ORDER

CRLP.No.11744 of 2023

CRIMINAL PETITION IS DISPOSED OFF

⑦ CLK
3/01/24