

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CRP [PD] .No.1228/2021
& CMP.No.9542/2021

[Video Conferencing]

1.Mr.Saravanakumar
2.Mr.Veerappan
3.Mrs.Bakkiyalakshmi
4.Mr.Pandiyaraj
5.Mrs.Vasanthi

.. Petitioners /
Accused

Versus

Mrs.Seetha Dhanalakshmi

.. Respondent /
Complainant

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India praying to call for the records relating to the proceedings in D.V.A.No.17 of 2020 on the file of the Judicial Magistrate-I, Pollachi and quash the same.

For Petitioners : Mr.N.Karthikeyan
For Respondent : No appearance

ORDER

- (1) Heard the learned counsel appearing for the revision petitioners.
- (2) I am not impressed with the arguments advanced by the learned counsel for the revision petitioners herein. It is sought by way of this revision petition under Article 227 of the Constitution of India, to call for the records and quash the proceedings in DVA.No.17/2020 now pending on the file of the Court of Judicial Magistrate No.1, Pollachi.
- (3) The revision petitioners are a string of relations including husband of the respondent herein. It is seen from the records, and also as stated by the learned counsel that the first petitioner and the respondent were married on 06.11.2016 at a temple and later, the marriage was also registered in the office of the Sub Registrar, Periyanaicken Palayam on 13.03.2017. In the entire petition filed, the petitioners have portrayed themselves as very humble persons and that the villain of the entire episode was only the respondent. It is claimed that she always created problems and she was not satisfied with the marital life and as a matter of fact, she left the marital home. In this connection, a legal notice appears to have been issued on behalf of

the 1st petitioner on 15.09.2020, for which, a reply was also issued on 10.11.2020.

- (4) In the reply, the respondent/wife of the 1st petitioner has very specifically alleged that the 1st petitioner has a relationship with another lady. There has been no rejoinder to such reply, which would only indicate that the 1st petitioner has admitted to the said allegation raised against him in the reply notice.
- (5) The 1st petitioner, after the reply had been sent thought that it was necessary to frustrate the entire marital relationship and therefore, filed HMOP No.1234/2020 taking advantage of Section 13[i][a][i] of the Hindu Marriage Act, 1956, alleging cruelty against the respondent. The respondent for good measure, approached the Court of the Judicial Magistrate No.1, Pollachi, and filed DVA.No.17/2020. This is the application, which now the petitioners seek to quash.
- (6) I am not able to understand the reasons given because no legal reasons have been given questioning the irregularity of the said application. The learned counsel for the petitioners only advanced arguments alleging various allegations as against the respondent

herein and forgetting that similar allegations have been raised against the first petitioner herein in the reply notice. These are facts which are to be settled before the Court below.

- (7) The protection of women from Domestic Violence Act, 2005 is a welfare Act the vires of which has been upheld. The phenomenon of the domestic violence is widely prevalent. A lady who alleges that she has been subjected to domestic violence, can take recourse to the provisions of the Act. If at all the respondents therein, viz., the revision petitioners herein, are aggrieved by any of the allegation made, they will necessarily have to approach the Magistrate Court to put forth their representations.
- (8) It is not the case of the learned counsel that the learned Judicial Magistrate No.1, Pollachi would refuse to listen to whatever they state. It is a competent Court which has taken the application in DVA.No.17/2020 on file. No ground has been made out to point out that the said application is legally unsustainable. On the other hand, the only averment made and the only argument put forth by the learned counsel was that the respondent herein had filed

DVA.No.17/2020 and therefore, the same should be quashed. I am not able to agree with such contention. There must be some irregularity pointed out in the entire procedure. No irregularity has been pointed out. The petitioners herein are very well at liberty to approach the learned Judicial Magistrate – I, Pollachi, to redress their grievances. The procedure has been stated in the Act and it would only be appropriate that DVA/No.17/2020 proceeds in accordance with the said procedure.

(9) I find no ground to either call for the records or to quash DVA.No.17/2020. Let the proceedings continue and the learned Judicial Magistrate No.1, Pollachi, proceed further with DVA.No.17/2020 in accordance with law.

(10) The Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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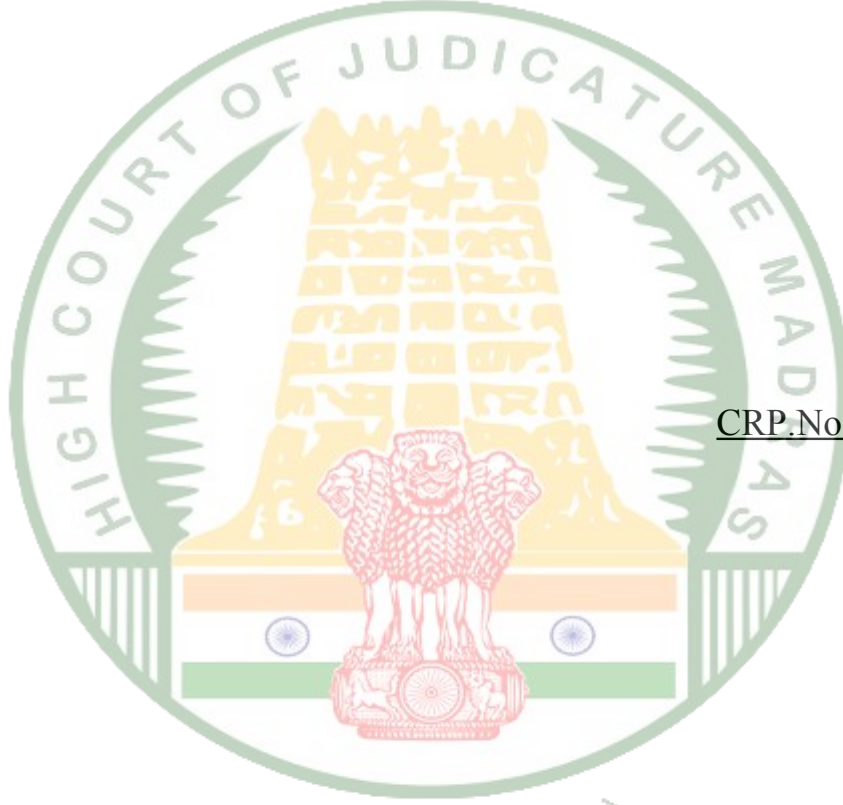
30.06.2021

AP
Internet : Yes
To
The Judicial Magistrate -I, Pollachi.

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C.V.KARTHIKEYAN, J.,

AP



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