

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

CORAM :

THE HON'BLE MR.JUSTICE **C.V. KARTHIKEYAN**

C.R.P.(PD) No.1295 of 2021

and

C.M.P.No.10119 of 2021

1. A. Natarajan

2. Mrs. N Vimala

.. Petitioners

Vs.

A. Sivasankari

.. Respondent

Prayer: Revision Petition filed under Article 227 of Constitution of India to call for the entire records, relating to the complaint filed by the respondent in D.V.C.No.66/2020, on the file of the Judicial Magistrate -I, Pondicherry and quash the proceedings as illegal.

For Petitioners : Mr. M. Mohanraj

For Respondent : No appearance

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ORDER

The respondents in D.V.C.No.66 of 2020 now pending on the file of Judicial Magistrate-I, Pondicherry have approached this Court under Article 227 of Constitution of India seeking interference with further progress of the said petition. Revision petitioners are father in law and mother in law of the respondent herein. The son of the revision petitioners, who was married to the respondent had died in an accident on 24.03.2016. Thereafter, the respondent herein, owing to various grievances, had filed M.C.No.1 of 2018 on the file of Judicial Magistrate at Lalgudi as against the Revision Petitioners herein.

2. The Revision Petitioners filed CrI.O.P.No.(M.D).No. 3875 of 2018 which came up for consideration before a learned Single Judge. By order dated, 02.06.2020, the learned Single Judge allowed the Criminal Original Petition and quashed the order In M.C.No.1 of 2018 on the ground that Section 125 Crpc casts a duty on a person having sufficient means to maintain his

wife/children/parents alone and no one else.

3. The learned Judge held that the mother in law and father in law need not maintain the widow of a deceased son/daughter-in-law. I am not in agreement with such a view of the learned Single Judge.

4. It is stated by the learned counsel for the revision petitioners that the respondent herein has been approaching court after court to harass the revision petitioners herein. It has been stated that the facts stated in the DVC.No.60 of 2020 are totally in contradiction to the earlier pleadings in M.C.No.1 of 2018. It is also stated that even in the very petition filed before the Magistrate under Section 12 of Protection Women from Domestic Violence Act, 2005 there are various contradictions. The learned counsel invited me to examine the schedule which gives a list of jewellery, with the statement made with reference to the jewellery in the body of the application.

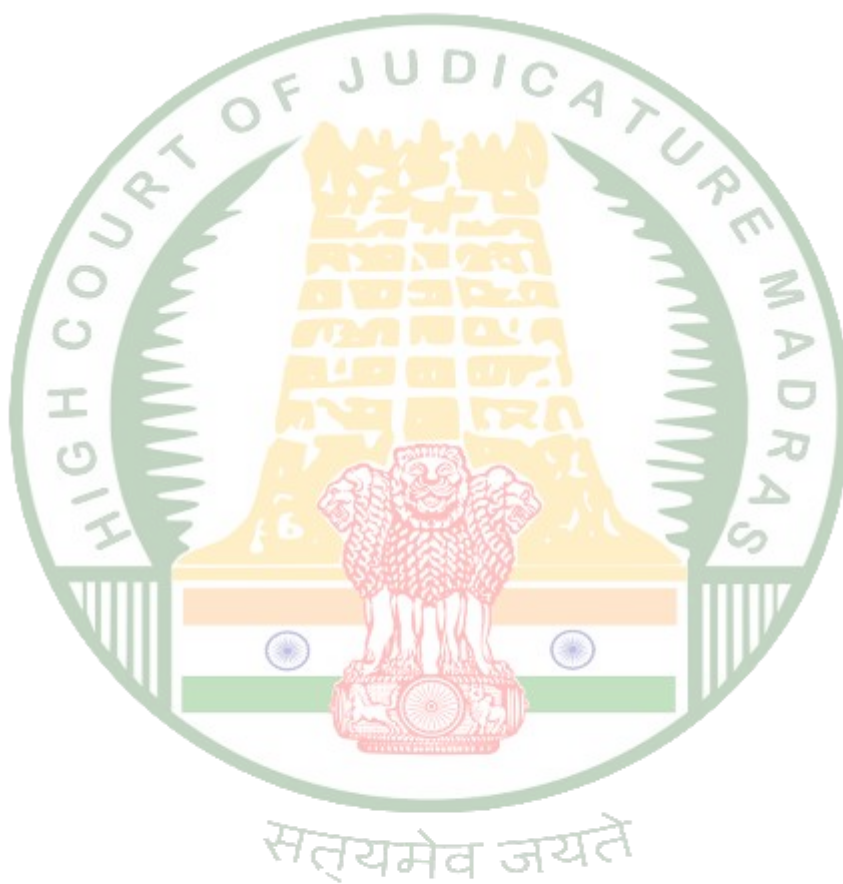
5. I am not prepared to enter into a discussion on those facts. The primary object of the Act is to give a redressal to the grievance of any wife. Let me not venture into any discussion on merits but suffice to point out that there are averments in the DVC petition which the Magistrate has examined and has thereafter taken the matter on file. To interfere with the proceedings at this stage is not at all advisable and I am not inclined to do so. It is open to the revision petitioners to point out the contradiction in the facts as stated in the petition before the Judicial Magistrate I, Pondicherry. Liberty is granted to the revision petitioners to point out all these facts before the Magistrate. I am confident that the learned Magistrate would take all the submissions into consideration. The Revision Petition is dismissed giving liberty to the revision petitioners to approach the Magistrate Court. Consequently, connected miscellaneous petition is closed. No costs.

14.07.2021

Index : Yes/No

mrn

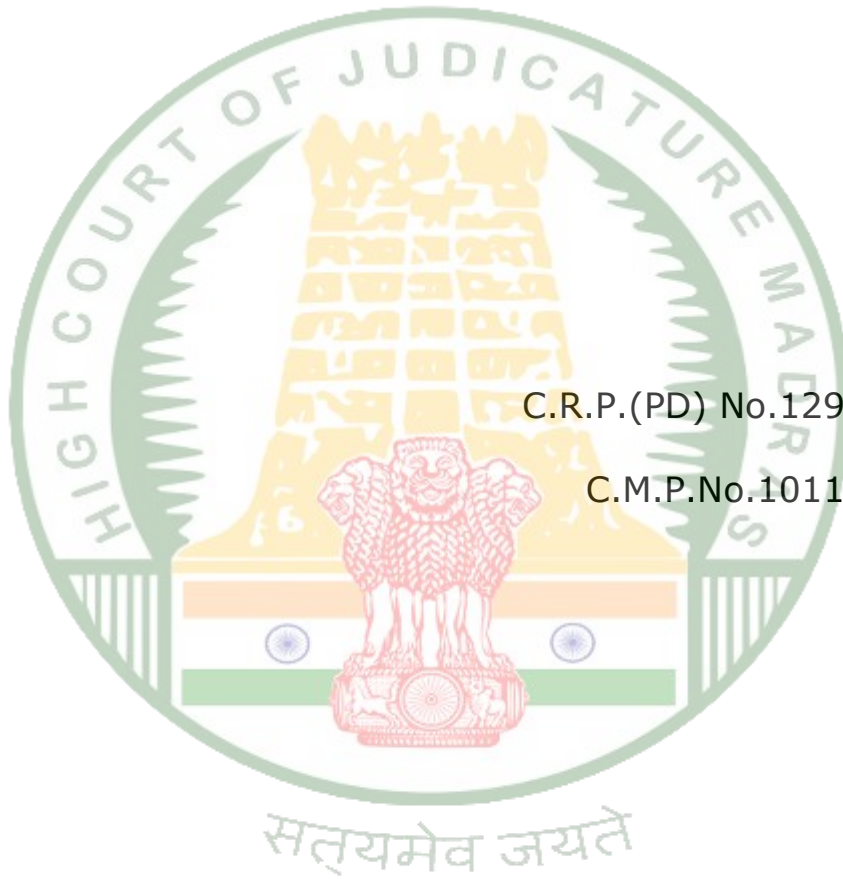
To
The Judicial Magistrate -I, Pondicherry



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C.V. KARTHIKEYAN, J.

mrn



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