

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD).No.1864 of 2021
and C.M.P.Nos.14535 and 14536 of 2021
(Through Video Conference)

1. R.Venkatesh Babu
2. P.C.Rajkumar
3. K.Lalitha
4. R.Rajan

...Petitioners

Versus

S. Revathi

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the notice dated 18.03.2021 in D.V.C.No.19 of 2021 on the file of Judicial Magistrate No.II, Puducherry.

For Petitioners : Mr.M.Rajan

ORDER

This Civil Revision Petition is filed to strike off the notice, dated 18.03.2021 in D.V.C.No.19 of 2021 on the file of the learned Judicial Magistrate No. II, Puducherry.

2. The petitioners have filed a copy of the petition filed in D.V.C.No.19 of 2021 on the file of learned Judicial Magistrate No.II, Puducherry along with the notice sent for the appearance of the petitioners by the respondent. In accordance with the notice, the petitioners have entered appearance and the D.V.C. proceedings is pending.

3. The learned counsel for the petitioners submitted that the marriage between the first petitioner and the respondent took place on 31.01.2019. Thereafter, the first petitioner and the respondent lived separately at Madipakkam. The petitioners 2 to 4 have no connection with whatsoever in the dispute between the first petitioner and the respondent. However, the present D.V.C.No.19 of 2021 has been given against the petitioners herein only to harass them and the petitioners have approached this Court for striking off the notice dated 18.03.2021 in D.V.C.No.19 of 2021.

4. The reading of the petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 by the respondent shows that this petition had been filed seeking several relief including 'maintenance order' to pay a sum of Rs. 50,000/- (Rupees Fifty Thousand Only) per month towards

maintenance expenses, return of Stridhana Properties, compensation of Rs.1,00,00,000/-(Rupees One Crore Only) for causing injuries, including mental torture, physical , sexual, verbal abuse and emotional distress and to direct the SHO, Kalapet Police Station, Pondicherry to assist in implementation of execution of the orders of the Court as mandated under section 19 (7) Act.

5. In support of these prayers, several allegations have been made against the petitioners in the petition with regard to domestic violence committed by the petitioners against the respondent. This Court, at this stage, is not inclined to go into the merits or demerits of the allegations made in the petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

6. It is suffice to say that certain allegations are made, which constituted domestic violence, as defined under Section 3 of the Domestic Violence Act, 2005. The truth or falsity of these allegations have to be gone into and a decision will be taken only after the examination of the parties and the witnesses. There is a *prima facie* case made out to prosecute the petitioners under Protection of Women from Domestic Violence Act, 2005. In this view of the matter, this Court is not inclined to strike off the notice dated

18.03.2021 issued in D.V.C.No.19 of 2021 on the file of the learned Judicial Magistrate No.II, Puducherry . However, considering the fact that the first petitioner is residing at Chennai, the second and the third petitioners are the father-in-law and mother-in-law and also considering the fact that they are senior citizens and the fourth petitioner is with his parents and he is pursuing his studies in College(first year), this Court directs the learned Judicial Magistrate No. II Pondicherry to dispense with the personal appearance of the petitioners and the learned Judge is directed to insist upon their appearance only if it is absolutely necessary. The petitioners to be represented by their counsel and they should ensure that their counsel appears before the learned Judge on every hearing, without any default and cooperate for further proceedings without asking for any unnecessary adjournment.

7. With the above directions, this **Civil Revision Petition** stands **Disposed** of. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2021

Index: Yes/ No

Speaking Order / Non-Speaking Order

sts/jai

To:

The Judicial Magistrate No. II,
Pondicherry.



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G.CHANDRASEKHARAN, J.,

sts/jai



Order made in
C.R.P.(PD).No.1864 of 2021

Dated:
13.09.2021

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