



C.R.P.(PD).No.2655 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD).No.2655 of 2021

and

C.M.P.No.19591 of 2021

1.Manivannan @ Iyyappan

2.Kanchana

3.Kavitha

4.Sumathi

5.Ranjan @ Ranjith

.. Petitioners

Vs.

Saranya

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to call for the records relating to impugned complaint/application filed in D.V.C.No.53 of 2020 on the file of the learned Judicial Magistrate-I at Puducherry and strike off the same.

For Petitioners : Mr. Prakash Adiadam



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ORDER

WEB COPY The petitioner in this Revision seeks quashing of the complaint filed under Section 12 of the Protection of Women from Domestic Violence Act, 2012, before the learned Judicial Magistrate No.1 Pondicherry, which has been taken on file as D.V.C.No.53 of 2020.

2. Mr.Prakash Adiapadam, learned counsel appearing for the petitioners would vehemently contend that there are no allegations atleast against the petitioners 2 to 5 in the complaint and hence the very registration of case is flawed.

3. I do not think I can entertain a petition for quashing the proceedings under the Protection of Women from Domestic Violence Act. The proceedings seeking quashing of complaint under the protection of Women from Domestic Violence Act are akin to quashing of an First Information Report. Unless it is shown that there is absolutely no basis for quashing the complaint, the complaint cannot be quashed.



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4. I am not expressing any opinion on merits, as the same would affect the course of the trial. Hence, I do not find this as a fit case for entertaining under Article 227 of the Constitution of India. The Revision therefore fails and it is accordingly **dismissed**. It is open to the petitioners to appear before the Magistrate and even seek discharge. If any such application is filed, the Magistrate shall dispose of the application on its own on merits without being influenced by any of the observations made in this order. The Magistrate is required to consider any application for dispense with the presence of the petitioners 2 to 5 sympathetically. No costs. Consequently, the connected miscellaneous petition is closed.

03.12.2021

dsa

Index : No

Internet : Yes

Speaking order

To

The Judicial Magistrate-I,
Puducherry.

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R.SUBRAMANIAN, J.

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