



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRP(PD) (MD) .No. 973 of 2021

C.M.P (MD) .Nos.5521 of 2021

1.S.Chandrasekaran

2.S.Padma Sankar

3.Selva Karthika

... Petitioners /

Respondents No. 2 to 4

Vs.

1.S. Suriya Kala

2.Minor. Arjun Krishna

(Minor rep. by respondent)

... Respondent / Petitioners

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the entire records pertaining to the impugned proceedings filed by the respondent No.1 in DV.No.26 of 2021 in so far as the petitioners, on the file of the Judicial Magistrate No.III, Tuticorin District and set aside the same.

For petitioners : Mr.T.Lajapathi Roy

O R D E R

This Civil Revision has been filed to quash the proceedings in D.V.C.No.26 of 2021 on the file of the Court of the Judicial Magistrate No.III, Tuticorin District.

2. Admittedly, the marriage between the first respondent and one Subramaniyan, son of the petitioners 1 and 2 was solemnized on 21.08.2016.

3. The learned counsel for the revision petitioners would submit that the first respondent was not living in the shared household and as such, the proceedings against the petitioners are not sustainable, that the first respondent has lodged the complaint with vague and false allegations, with an intention to harass the petitioners and that the impugned proceedings against the petitioners are clear abuse of process of law.

4. No doubt, the revision petitioners, as per the judgment of this Court rendered by **Hon'ble Mr.Justice. N.Anand Venkatesh.,** in **Cr1.O.P.Nos.28458, 16411, 33643 of 2019 (Batch), dated 18.01.2021** have filed the present revision invoking the jurisdiction of this Court under Article 227 of the Constitution of India. In the said judgment, the Hon'ble Judge has laid down certain guidelines and procedures to be followed / complied with by



the litigants and the Court, while dealing with the complaint initiated under the Domestic Violence Act.

5. In the present case, the petitioners have not approached the learned Magistrate as per the guidelines issued, but they have straightaway approached this Court hurriedly. It is pertinent to note that when there has been a patent perversity in the orders of the Tribunals and Courts or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted, High Court can interfere in exercise of its power of superintendence under Article 227 of the Constitution of India.

6. It is settled law that the High Court cannot, at the drop of a hat, in exercise of its power of superintendence, under Article 227 of the Constitution, interfere with the proceedings or orders of Tribunals and Courts nor can it act as a Court of appeal. The existence of alternative mode of redressal would operate as a restrain on the exercise of this power by the High Court. To put it in short, the jurisdiction has to be very sparingly exercised. In the case on hand, even assuming for a moment, if this Court is not inclined to interfere with the proceedings of the trial Court, it cannot be said that the same would result in miscarriage of justice. Considering the above, this Court is not inclined to admit the Revision.

7. In the result, the Civil Revision Petition is dismissed and the revision petitioners are at liberty to approach the learned Judicial Magistrate, as per the guidelines issued in the Judgment above referred. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp
To

The Judicial Magistrate No.III,
Tuticorin District.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate(SR-22459[F] dated 14/07/2021)

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