



CRP(PD)(MD)No.2425 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2425 of 2022

and

CMP(MD)No.11739 of 2022

1. V.Vijayraja
2. K.Vasudevan
3. V.Menaka

... Petitioners

versus

V.Thenmozhi

... Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, to strike off the complaint in D.V.P.No.49 of 2022 on the file of the Additional Mahila Court (Judicial Magistrate Cadre), Karur.

For Petitioners : Mr.Shangar Murali

ORDER

This Civil Revision Petition is filed as against the proceedings initiated by the respondent herein in D.V.P.No. 49 of 2022 before the



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learned Judicial Magistrate, Additional Mahila Court, Karur.

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2. The learned counsel appearing for the petitioners submits that the first petitioner is the husband and petitioners 2 and 3 are in-law of the respondent. The allegations levelled against the petitioners by the respondent are fictitious and in order to harass and extract the money, she filed a complaint under the Protection of Women from Domestic Violence Act, 2005 before the Protection Officer/District Social Welfare Officer, Karur, who in turn, without calling for any explanation from them, forwarded the same to the Additional Mahila Court, Karur. He further submits that the learned Judicial Magistrate, Karur, is not having jurisdiction to issue summon on the complaint filed by the respondent.

3. This Court considered the submissions made by the learned counsel appearing for the petitioner.



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4. Though the petitioner has raised a ground of jurisdiction, he has not substantiated the same as to how the concerned Judicial Magistrate is not having the jurisdiction to take up the complaint of the respondent.

5. The petitioners claim that the allegations levelled against them are fictitious and in order to harass and extract money from them, the respondent has filed the complaint. From the reading of the complaint filed by the respondent, it is seen that the respondent has made a specific allegation against the petitioner that she subjected to cruelty and dowry demand. Whether those allegations are true or not can be decided only during the trial by the concerned Judicial Magistrate.

6. Further, Section 27 of the Protection of Women from Domestic Violence Act, 2005, deals with the jurisdiction, which reads as follows:

27. Jurisdiction – (1) The court of Judicial



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Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which –

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) the respondent resides or carries on business or is employed; or

(c) the cause of action has arisen, shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act (2) Any order made under this Act shall be enforceable throughout India.

6. From the reading of the above said provision, it is clear that the petition under the Domestic Violence Act can be filed in a Court where the “person aggrieved” permanently or temporarily resides or carries on business or is employed.

7. In the present case, the respondent herein is residing along with her parents at Karur. Therefore, the learned Judicial Magistrate,



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Additional Mahila Court, Karur, is the competent Court to entertain the complaint of the respondent under Domestic Violence Act. Therefore, the objection raised by the petitioners that the learned Judicial Magistrate, Additional Mahila Court, Karur, is not having jurisdiction, cannot be accepted.

8. If the petitioners are having any grievance that they have been unnecessarily added as parties to the proceedings, it is open to them to file an application before the learned Magistrate to delete their names from the proceedings.

9. Accordingly, the Civil Revision Petition is disposed of in the following terms:

(i) If the petitioners are having any grievance that they have been unnecessarily added as a party to the proceedings, it is open to them to file an application before the learned Magistrate to delete their names and if any such application is filed, the learned Magistrate shall



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decide the same, as per the decision of the Hon'ble Supreme Court in ***Kunapareddy v. Kunapareddy Swarna Kumari***, reported in ***(2016) 11 SCC 774***.

(ii) If the petitioners are represented through a counsel, the learned Magistrate shall not insist on the personal appearance of the petitioners. However, the petitioners shall appear before the Court as and when their presence is required by the Court.

(iii) The learned Magistrate is directed to dispose of D.V.P.No.49 of 2022 as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No.

Internet: Yes / No.

To

1. The Additional Mahila Court,
(Judicial Magistrate Cadre),
Karur.



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B.PUGALENDHI, J.

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