



WEB COPY



C.R.P. (PD) NO.522 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM:

THE HON'BLE DR.JUSTICE D.NAGARJUN

C.R.P. (PD) NO.522 OF 2023
AND CMP NOS.4240 AND 4244 OF 2023

1.Z.Zahiruddin
2.Malika Begum

... Petitioners

Vs.

Tasmiya Banu

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the issue of the complaint in D.V.C.No.18 of 2022 on the file of the Judicial Magistrate cum Additional Mahila Court, Vellore, dated 09.06.2022 and quash the same.

For Petitioners : Mr.D.Ashok Kumar

ORDER

Heard Mr.D.Ashok Kumar, learned counsel on record,
representing the petitioners.



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2. This Civil Revision Petition is directed against the registration of the complaint in D.V.C.No.18 of 2022 on the file of the Judicial Magistrate cum Additional Mahila Court, Vellore, dated 09.06.2022. The respondent, who is the wife of the first petitioner herein, has filed a case in D.V.C.No.18 of 2022 against the petitioners herein, making number of allegations.

3. It is submitted by the learned counsel for the petitioners that after the wedding of the first petitioner with the respondent herein, disputes arose within one month as the respondent, in order to harass the petitioners herein, has initiated proceedings under Domestic Violence Complaint in D.V.C.No.18 of 2022 on the file of learned Judicial Magistrate cum Additional Mahila Court, Vellore. It is also submitted that the second petitioner is a Senior Citizen and housewife and a false case has been foisted against the petitioners with incorrect facts.

4. During the course of hearing, the learned counsel for the petitioners has requested this Court to order dispensing with the presence of second petitioner, who is aged about 60 years and suffering from old age ailments.



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5. Considering the circumstances, this Court has gone through the grounds on which the petitioners seeking striking of the case in D.V.C.No.18 of 2022 on the file of learned Judicial Magistrate cum Additional Mahila Court, Vellore. This Court is of the opinion that the issues raised by the revision petitioners herein requires thorough enquiry, fact which are alleged by the respondent in the Domestic Violence Complaint and the same are being denied by the petitioners herein. A full-fledged enquiry is required to be conducted in respect of the allegations levelled in D.V.C.No.18 of 2022.

6. Considering the circumstances explained and on considering the facts and circumstances of the case, the Trial Court is directed to consider all the grounds raised by the petitioners in this Civil Revision Petition, by giving opportunity of hearing to them, during the course of enquiry.

7. Considering the age of the second petitioner herein, the presence of the second petitioner is dispensed with before the Trial Court during the course of enquiry. However, the learned Trial Judge is at liberty to direct the second petitioner to appear before the Court as and when her presence is required for the smooth progression of the enquiry.



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8. With these observations and directions, the Civil Revision

Petition is disposed of at the admission stage itself. No costs.

Consequently, connected Civil Miscellaneous Petitions are closed.

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Index : Yes/No

Internet : Yes/No

TK



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To

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The Judicial Magistrate cum
Additional Mahila Judge
Judicial Magistrate cum
Additional Mahila Court
Vellore.



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DR.D. NAGARJUN, J.

TK

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