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CRP (PD).No.606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

CRP (PD).No.606 of 2023

and

C.M.P.No.4853 of 2023

1. P.Kuppusamy
2. P.K.Lilli
3. P.K.Ashokumar
4. P.K.Ranjith Kumar

... Petitioners

-Vs-

1. Vanitha
2. P.K.Vijayakumar
3. P.Subramani
4. S.Vasantha
5. S.Sasikala
6. S.Santhi

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to strike off the petition in D.V.C.No.03 of 2022 pending on the file of the Judicial Magistrate No.I, Ulundurpet, Villupuram District so far as these petitioners are concerned.

For Petitioners : Mr.A.Mohamed Ismail

For Respondents : Mr.P.Jesus Moris Ravi



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ORDER

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This Civil Revision Petition has been filed to strike off the petition in D.V.C.No.03 of 2022 pending on the file of the Judicial Magistrate No.I, Ulundurpet, Villupuram District so far as these petitioners are concerned.

2. The first respondent/wife and the second respondent/husband are present before this Court.

3. As per the direction of this Court, the first respondent/wife has seen her son at his school 3 or 4 occasions. However, the child is not inclined to talk with her. It will take sometime to change the attitude of the child. If the child is inclined to go with his mother during May vacation, the second respondent/husband is directed to give consent for the same.

4. The learned counsel for the petitioners submitted that there is no material allegations against the petitioners. However, to drag the proceedings, the first respondent/wife filed the petition before the Ulundurpet Court and all the hearings, they were forced to attend the same. Furthermore, the respondents 3 to 6 are living at Mumbai and they have not harassed the first respondent at any point of time. She raised false allegations. Hence, he prayed to quash the proceedings against the petitioners.



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5. On perusal of the records, it reveals that the respondent narrated many incidents in order to establish the harassment made by the petitioners herein. Since she is a graduate, she wants to live with her son, but the same was not permitted by the petitioners. So, the allegations leveled against the petitioners needs detailed investigation and hence, it cannot be quashed. On seeing the fact that the first petitioner is the father-in-law, aged about 69 years, the second petitioner is the mother-in-law, aged about 67 years and the petitioners 3 & 4 are the brothers of the second respondent, residing at Kumbakonam Taluk. Hence, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with and they shall appear before the trial Court as and when required. The visitation rights given to the first respondent/wife is ordered to be continued until it is modified by the Court of law.

6. Accordingly, This Civil Revision Petition is disposed of with the above observations. There shall be no order as to costs. Consequently, connected CMP is also closed.

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T.V.THAMILSELVI, J.

kmi

To

1. The Judicial Magistrate No.I,
Ulundurpet,
Villupuram District

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