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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.No.1956 of 2023

and

C.M.P.Nos.12361 & 12363 of 2023

1.S.Ramalingam

2.S.Ramani

3.S.Mahalakshmi

4.S.Poongodi

... Petitioners

Vs.

1.Smt. R.Gayathri

2.Minor. R.Pugazh

S/o. Ramalingam,
Represented by his Mother
Natural Guardian, Smt. R.Gayathri,
W/o. Ramalingam,
No.2, Bajanai Koil Street,
Rendadi Village, Sholinghur Taluk,
Ranipet District.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the complaint filed under Domestic Violence Act, in D.V.C.No.3 of 2022, on the file of Judicial Magistrate at Sholinghur.



For Petitioners : Mr.A.Gouthaman

For Respondents : Mr.K.G.Senthil Kumar

ORDER

The Civil Revision Petition has been filed challenging the complaint filed against the 1st petitioner and in-laws of the 1st petitioner filed by the 1st respondent in D.V.C.No.3 of 2022 on the file of Judicial Magistrate, Sholinghur.

2. The learned counsel for the petitioners states that the marriage between the 1st petitioner and the 1st respondent was solemnised as per Hindu Rites and Customs on 27.05.2018. From and out of wedlock between the 1st petitioner and the 1st respondent a male child was born. Due to matrimonial disputes they are living separately. The 1st respondent filed D.V.C.No.3 of 2022 based on the vague allegations on the 1st petitioner and his in-laws, which are not maintainable. It is also submitted that since the 1st respondent had illegal intimacy with one Saisabari and when it was questioned, the relationship between the husband and wife has been aggravated. Therefore, the 1st respondent had left the matrimonial house voluntarily along with the



child. Thereafter, the petitioner has filed H.M.O.P.No.48 of 2022 for divorce.

Aggrieved by the same, the 1st respondent has filed a complaint against the 1st petitioner and his in-laws.

3. The learned counsel for the petitioners states that there is no cause of action to file case against the parents and in-laws of the petitioner. It is stated that parents of the petitioner were living in their native village and his sister namely Mrs.S.Poongodi also settled along with her family in Thiruvannamalai and she is employed in a Government School as a Teacher. Hence, there is no allegation against the 4th petitioner, who is the sister-in-law of the 1st respondent and all the in-laws of the petitioners were dragged to the complaint purposely. Therefore, the 1st petitioner filed the present Civil Revision Petition to quash the complaint filed by the 1st respondent.

4. The learned counsel for the respondents submitted that on suspecting the character of the 1st respondent, the 1st petitioner left India and went to abroad for more than two years. It is contended that the 1st petitioner left her and has not taken care of herself and her child. Due to the harassment caused by the other in-laws of the 1st petitioner, who were living at the ground



floor during the relevant period, she has filed D.V.C.No.3 of 2022 before the Judicial Magistrate, Sholinghur.

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5. Considering the submissions made on behalf of the parties in the Civil Revision Petition, this Court is of an opinion that H.M.O.P.No.48 of 2022 proceedings has been filed by the 1st petitioner seeking for divorce. But as on date, 1st respondent is having a little male child and she is aged about 25 years and living along with her parents. Therefore, the reasons assigned by the 1st respondent is not acceptable as there is no cause of action found on the in-laws of the 1st petitioner. Thus, liberty is granted to the in-laws of the 1st petitioner to workout their remedy before the Trial Court by filing an appropriate application for further relief.

6. In view of the facts and circumstances, the reasons assigned by the 1st petitioner is also not been decided merely based on the allegations and that needs a concrete evidence. Therefore, they are at liberty to workout their remedy by approaching the Trial Court. However, by considering the age of the parents and they are living in different places, except the appearance of the 1st petitioner, all other petitioners appearance are dispensed with before



the Trial Court.

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7. With this liberty, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

The Judicial Magistrate,
Sholinghur.



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T.V.THAMILSELVI, J.

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