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C.R.P.No.4105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4105 of 2023

and

C.M.P.Nos. 25059 & 25063 of 2023

1. Israthali
2. Ismail @ A.Mohamed Ismail
3. I.Raseetha Begam

... Petitioners

-Vs-

1. M.Safeena Yasmine
2. K.S.I.Umar Farook

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records pertaining to D.V.C.No.70 of 2022 pending on the file of the learned Addl. Mahila Court (Judicial Magistrate Level), Erode and strike off the name of the petitioners on the ground of abuse of process of law by allowing the present Civil Revision Petition.

For Petitioners : Mr.M.Guruprasad



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C.R.P.No.4105 of 2023

ORDER

The inlaws of 1st respondent/complainant have filed this Civil Revision Petition praying to strike off their names in the proceedings D.V.C.No.70 of 2022 pending on the file of learned Addl. Mahila Court (Judicial Magistrate Level), Erode stating that the 1st respondent gave a false complaint defaming entire family members, who are no way connected with the matrimonial dispute between herself and the 2nd respondent husband and they are aged about 67, 56 and 44 years respectively. They have been falsely implicated in the complaint filed by the 1st respondent.

2. Since the relief is claimed to strike off their names in the D.V.C. proceedings, notice to the respondents is dispensed with.

3. Records perused. On seeing entire facts, now the case is ripe for trial and at the stage of P.W.1 cross, the aforesaid Domestic Violence proceedings was initiated by the 1st respondent in the year of 2022 and after receiving counter objections, now the enquiry was begun. If at all, the claim made by the 1st respondent seems to be false one, liberty is granted to them to raise all those defence before the trial court. Furthermore, on



C.R.P.No.4105 of 2023

considering the fact that the petitioners, who are aged about 67, 56 and 44 years respectively, who are father-in-law, brother-in-law and sister-in-law of 1st respondent, their appearance is ordered to be dispensed with and they are directed to appear as and when required. They are also directed to work out their remedy and raise all those defence before the trial court. Accordingly, this Civil Revision Petition is closed. No costs.

22.11.2023

Index : Yes/No
Speaking Order : Yes/No
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To

Addl. Mahila Court,
Erode.

T.V.THAMILSELVI, J.



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C.R.P.No.4105 of 2023

rpp

C.R.P.No.4105 of 2023

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