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C.R.P.No.133 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.133 of 2023

and

C.M.P.Nos.1101 & 1114 of 2023

1.Rahmadulla

2.Fathima

... Petitioners

Vs.

1.Shakila

2.R.Liyakathali

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records on the file of Judicial Magistrate I, Puducherry, in D.V.C.No.70/2020 and quash the proceedings therein in so far as the petitioners are concerned.

For Petitioners

: Mr.N.Selvaraj

ORDER

The Civil Revision Petition is filed to quash DVC No.70 of 2022 pending on the file of the Judicial Magistrate-I, Puducherry.

2. The 1st respondent is the complainant and the 2nd respondent is the



husband of the first respondent.

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3. The learned counsel for the revision petitioners state that the revision petitioners were unnecessarily implicated in the DVC Proceedings, despite the fact that they are no way connected with the allegations.

4. As far as the revision petition filed to quash the DVC Proceedings are concerned, the allegations set out in the complaint is to be considered and in the present case, the application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 filed by the first respondent reveals that certain serious allegations are raised against the revision petitioners and it is specifically stated that they are living in a joint family. When the parties are living in the joint family and serious allegations are raised regarding Domestic Violence, then the Court concerned is bound to conduct an enquiry to cull out the truth to deal with the allegations in accordance with the procedures as contemplated under the Act.

5. Perusal of the complaint reveals that the first respondent/complainant spontaneously narrated certain incidents, which all are undoubtedly serious, warranting an enquiry under the provisions of the



Act. This Court cannot express any opinion at this stage regarding the allegations set out in the complaint. It is for the parties to establish the allegations by availing the opportunities to be afforded by the competent Court.

6. As far as the present Civil Revision Petition filed to quash the DVC proceedings are concerned, this Court is of an opinion that the complaint contains serious allegations against the revision petitioners, which all are to be enquired into and thus, the revision petitioners are bound to participate in the enquiry proceedings in order to defend their case in the manner known to law.

7. With these observations, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.01.2023

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Index : Yes
Speaking order
Neutral Citation : Yes
To



The Judicial Magistrate I,
Puducherry.

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S.M.SUBRAMANIAM, J.

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