



C.R.P.No. 4500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4500 of 2023

and

C.M.P.Nos. 27036 & 27040 of 2023

K. Rajesh

.. Petitioner

Vs

R. Vanitha

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the Domestic Violence Application filed under Section 12 of the protection of Women from Domestic Violence Act, 2005 in D.V.C.No.10 of 2023 on the file of the Judicial Magistrate No.I, Gobichettipalayam, Erode District.

For Petitioner : Mr. C. Anto Prince

ORDER

This Civil Revision Petition is filed to strike off the Domestic Violence Application filed under Section 12 of the protection of Women from Domestic Violence Act, 2005 in D.V.C.No.10 of 2023 on the file of



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the Judicial Magistrate No.I, Gobichettipalayam, Erode District.

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2. The learned counsel for the petitioner submits that the petitioner is the husband of the respondent praying to quash the proceeding by stating that the respondent / wife by making baseless and frivolous allegations, the deviation proceeding was initiated besides no jurisdiction to invoke the present Court. Therefore, he wants to quash the proceedings. Further, the learned counsel contend that the in-laws of the respondent / wife also no way connected in matrimonial life. In order to harass and to extort money from them, she has initiated such proceeding. Hence, prayed to quash the DVC proceeding.

3. On perusal of the record, it seems that out of the wedlock, two children were begotten and the children are under the custody of the respondent / wife. Maintenance case was initiated by the respondent / wife in M.C.No.6 of 2011 but as on date there is no proof that the petitioner / husband is paying the maintenance. Furthermore, the petitioner / husband initiated HMOP proceeding in HMOP.No.33 of 2003 for divorce but the same was dismissed as they amicably settled the issue.



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4. On seeing the entire fact, the petitioner has already married for three times and having children, which needs detail investigation. If at all the jurisdiction is under dispute, the petitioner / husband is at liberty to put forth the same and approach the trial Court by filing appropriate application. Therefore, on seeing the fact that the respondent / wife is living with children and there is no proof that the husband has paid the maintenance and if it is a vexatious one, the revision petitioner is entitled to put forth the same before the trial Court. Therefore, I do not find any merit in this petition.

5. Accordingly, the Civil Revision Petition stands dismissed as no merits. No costs. Consequently, connected miscellaneous petitions are closed.

18.12.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To
The Judicial Magistrate No.I, Gobichettipalayam,
Erode District.

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T.V.THAMILSELVI, J.

AT

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