



C.R.P(MD).No.527of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.527 of 2023

and

C.M.P(MD).No.2518 of 2023

1.A.Pachiraj @ Prakash
2.P.Andi
3.A.Selvi
4.A.Dilip
5.K.Sowmiya

... Petitioners/Respondents

Vs.

1.P.Alagu Jeya Jothi
2.Minor.Rudra

(Represented by his mother 1st Respondent)

... Respondents/Petitioners

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, calling for the records relating to the impugned D.V.C.No.3 of 2022 on the file of Judicial Magistrate Court, Tiruchuli, Virudhunagar District and strike off the same as illegal.

For petitioner : Mr.V.P.Rajan

For respondent : Mr.T.Veerakumar

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the impugned D.V.C.No.3 of 2022 on the file of Judicial Magistrate Court, Tiruchuli, Virudhunagar District and strike off the same as illegal.



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2.The petitioners herein are the husband, father-in-law, mother-in-law, brother-in-law and sister-in-law of the first respondent herein. The marriage between the first petitioner and the first respondent was solemnized on 08.12.2019. When the marriage was solemnized, the first respondent/wife pursuing 2nd year B.Ed. It appears that the marriage was consummated and thereafter, a child was also born. However, dispute arose between the first petitioner and the first respondent when the first respondent was required to pay the college fees. It appears that the first petitioner refused to pay the college fees and thereafter, the jewels which was given by the first respondent's parents at the time of marriage was pledged to meet out the fees. Due to dispute between the first petitioner and the first respondent, the first respondent has filed DVC.No.3 of 2022 before the learned Judicial Magistrate Court, Tiruchuli, Virudhunagar, wherein several allegations have been levelled against the petitioners herein. It appears that the first petitioner has also filed HMOP.No.309 of 2021 before the Sub Court, Kovilpatti for dissolving the marriage.

3.I have considered the argument advanced by the learned counsel for the petitioners and the learned counsel for the respondents.



4. Reading of the complaint indicates that the complaint as against mother-in-law, father-in-law and brother-in-law and sister-in-law under the provisions of Protection of Women from Domestic Violence Act, 2005, is farfetched and unnecessary. The dispute is between only the first petitioner and the first respondent. The first petitioner is duty bound to take care of his legally wedded wife. He has however filed HMOP.No.309 of 2021 before the Sub Court, Kovilpatti for dissolving the marriage, even though he has consummated the marriage. The first respondent is now living with the minor child separately.

5. In my view, insofar as the in-laws are concerned, there is no merits in the said Domestic Violence Case in DVC.No.3 of 2022. The dispute is only between the first petitioner and the first respondent. Considering the above, I am inclined to declare DVC.No.3 of 2022 is unwarrant as against the defendants 2 to 5/petitioners herein 2 to 5. The first petitioner herein shall however co-operate with the Court and also pay for any interim maintenance that may be required for maintenance of the first respondent and the second respondent if appropriate applications are pending or are filed before the learned Judicial Magistrate Court, Tiruchuli, Virudhunagar District, in DVC.No.3 of 2022.



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C.SARAVANAN,J.

dss

6.With the above observations, this Civil Revision Petition is partly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

20.04.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

1.The Judicial Magistrate Court,
Tiruchuli,
Virudhunagar District.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P(MD).No.527 of 2023

and

C.M.P(MD).No.2518 of 2023