



C.R.P.(MD).No.362 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.362 of 2023

and

CMP(MD).No.1735 of 2023

Devaraj

... Petitioner

-VS-

1.Sudha

2.D.Harsha Sri (Minor)

... Respondents

(2nd respondent is represented by her
mother and natural guardian/ 1st respondent)

PRAYER: The Civil Revision Petition has been filed under Article 227 of
Constitution of India, to strike of the complaint in D.V.C.No.19 of 2022 on
the file of the Judicial Magistrate No.1, Kovilpatti, Thoothukudi District.

For Petitioner : Mr.B.Sargunam

ORDER

The present revision petition has been filed to strike off
D.V.C.No.19 of 2022 pending on the file of the Judicial Magistrate No.1,
Kovilpatti.

1/4



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2. Admittedly, the revision petitioner is the husband of the first complainant in D.V.C.No.19 of 2022. The complainant has filed the said complaint on various allegations with a prayer for monthly maintenance and an order under Section 17(1) of Domestic Violence Act and for protection order under Section 18 of the Act and also for compensation under Section 22 of the Protection of Women from Domestic Violence Act, 2005.

3. The present revision has been filed under Article 227 of Constitution of India to strike off D.V.C.No.19 of 2022 on the ground that none of the provisions invoked by the complainant have made out the ingredients of the concerned provision.

4. I have gone through the complaint. The petitioner has not made out a case to quash the complaint. Considering the nature of allegation, this Court is of the view that the truth or falsity of the said complaint can be decided only after a full fledged enquiry.

5. Without expressing any opinion on merits of the complaint, this Court is not in a position to strike off D.V.C.No.19 of 2022. However,



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in case if the petitioner files an application to dispense with his personal appearance for every hearing, the same shall be positively considered by the concerned Judicial Magistrate taking into consideration that the petitioner is a Government servant working at Thoothukudi.

6.With the above observations, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

- 1.The Judicial Magistrate No.1,
Kovilpatti,
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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