



C.R.P(PD).No.399 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P(PD).No.399 of 2022

and

C.M.P.No.2084 of 2022

1.Murugesan

2.Indhurani

3.Suresh Babu

4.Pavithira

... Petitioners

Vs.

1.Priya

2.Manikanda Raja

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the entire records relating to the petition in D.V.A.No.3 of 2021 on the file of the Judicial Magistrate Court, Avinashi and quash the same in respect of the petitioners alone.

For Petitioners : Mr.A.Sriram

For Respondents :

For R1 : Mr.M.Vijayaraghavan

ORDER

The present revision petition is filed seeking to quash D.V.A.No.3 of 2021 on the file of the Judicial Magistrate Court, Avinashi.



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2. The complaint has been enclosed in the typed set of papers. A reading of the complaint makes it clear that specific allegations have been made as against the petitioners herein.

3. Mr.A.Sriram, learned counsel representing Mr.L.Mouli, would submit that the respondents got married out of choice and it was not a marriage which was arranged by the parents. He adds the petitioners were not residents of Chennai. All of them are residents of Dindigul and that the petitioners have nothing to do with the reasons why the first and second respondents are living separately. He asserts that the petitioners have not committed any act of domestic violence.

4. Per Contra, Mr.M.Vijayaraghavan, learned counsel appearing for the first respondent would submit that his client was harassed by all the petitioners including the first and second petitioner. He relies on the submissions made in the DVA petition that has been filed by the first respondent before the Judicial Magistrate Court, Avinashi.



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5. My power under Article 227 of the Constitution of India, to quash the DVA proceedings would only arise if a reading of the complaint shows that there are absolutely no allegations as against the petitioners. The power is also available when the allegations are clearly abuse of process of law or when the alleged act does not come within the scope of the protection of women from the Domestic Violence Act, 2005.

6. In the present case, none of the above circumstances have been taken place. Whether the petitioners were residing along with the respondents or were living separately has to be decided by the learned Judicial Magistrate, Avinashi at the time of trial.

7. Therefore, I am not inclined to quash the proceedings at this stage. However, taking into consideration the difficulty expressed by the petitioners with regard to travelling from Dindigul to Avinashi for every hearing, I am inclined to dispense with the appearance/presence of the petitioners alone before the learned Judicial Magistrate, Avinashi. Their appearance/presence is dispensed with only for non-essential or procedural hearing, that too, they shall be represented through a counsel.



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They shall appear before the learned Judicial Magistrate, Avinashi, for all essential hearing.

8. Considering the fact that the matter has been pending for the past three years and the DV Act was enacted by the legislature to save womenfolk from domestic violence, I am inclined to direct the learned Judicial Magistrate, Avinashi to dispose the DVA petition within a period of nine months from the date of receipt of a copy of this order.

9. With the above direction, this Civil Revision Petition is dismissed. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

15.04.2024

Index : Yes / No
Internet : Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes / No

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To

The Judicial Magistrate Court,
Avinashi.



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V.LAKSHMINARAYANAN, J.

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and

C.M.P.No.2084 of 2022

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