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C.R.P.(PD).No.295 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.295 of 2022 &
CMP.Nos.1415 & 1416 of 2022

1.P.Manickam
2.Selvam
3.M.Nirmala Devi ... Petitioners

-Versus-

1.T.Ambika
2.Minor Nithisnarayanan
3.Minor Rithikasri
(Minor 2 and 3 represented by their
Natural Guradian mother T.Ambika)
4.M.Kadirvel
5.Malathi ... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the petitioners in D.V.C.No.3 of 2021 on the file of the Judicial Magistrate at Kangayam.

For Petitioners : Mr.A.Arun Kumar

For Respondents : Mr.A.Raghupathy Raj
1 to 3

For Respondents : No appearance
4 & 5



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ORDER

This civil revision petition seeks to quash the proceedings in DVC.No.3 of 2021 on the file of the Judicial Magistrate Court at Kangeyam.

2. The petitioners are the father-in-law, mother-in-law, and sister-in-law of the first respondent. The husband of the first respondent is the fourth respondent. Alleging domestic violence, the first respondent along with her children, namely the second and third respondents, have proceeded to file DVC No.3 of 2021.

3. Mr.A.Arun Kumar, learned counsel for the petitioners would submit that the proceedings before the court would have to be quashed because the first and second petitioners have been falsely implicated in the case.

4. Whether the complaint is true or false can be gone into only at the time of trial. While dealing with a quash petition, I have to see whether the allegations are made against the parties and if allegations exist, I necessarily have to decline the exercise of this jurisdiction.

5. A reading of the complaint, which is enclosed in the typed set of papers, shows that the first respondent has made specific allegations against her father-in-law and mother-in-law who are the first and second petitioners respectively. In such circumstances, I am not inclined to interfere with the



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proceedings in DVC.No.3 of 2021.

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6. However, I have to take note of the fact that the first and second petitioners are senior citizens and therefore, calling upon them to appear before the Judicial Magistrate, Kangeyam at every hearing might not be conducive to their health. Therefore, the presence of the first and second petitioners alone is dispensed with. They shall appear only for the essential hearings. For all other non-essential hearings, they will be represented by counsel.

7. With the above direction, this civil revision petition is dismissed. No costs.

8. Mr.Raghupathy, learned counsel for the respondents 1 to 3 would submit that the trial has already been commenced and it is posted for cross-examination of PW1 on 18.04.2024. Learned Judicial Magistrate at Kangeyam shall complete the trial within a period of four months from the date of receipt of a copy of this order.

16.04.2024

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Index : yes / no



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Neutral Citation : yes / no
Speaking / Non Speaking Order



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V.LAKSHMINARAYANAN, J.

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