



C.R.P.No.342 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.No.342 of 2023
and
C.M.P.No.2865 of 2023

1. Jayaraman
2. Lakshmi
3. K.Sakthivel
4. Bhagyalakshmi
5. Vijayalakshmi

... Petitioners

Vs

1. Nivedha
2. Anbarasan
3. Malathi

... Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to stay all further proceedings in D.V.C.No.3 of 2022 on the file of the Judicial Magistrate, Vaniyambadi pending disposal of the above Civil Revision Petition.



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For Petitioner : Mr.A.Sundara Vadhana
For Respondents :
For R1 : Mr.A.Murali
For R2 & R3 : Not Ready in Notice

ORDER

This petition has been filed seeking to strike off the proceedings as against the civil revision petitioners in D.V.C.No.3 of 2022 on the file of the Judicial Magistrate, Vaniyambadi. The civil revision petitioners are the father-in-law, mother-in-law, sister-in-law's husband and husband's sisters of the first respondent. The third respondent is the alleged paramour of the second respondent.

2. The respondents 1 and 2 entered into matrimony on 06.02.2022. According to the first respondent, the second respondent and the third respondent were in a relationship of lover and paramour. The first respondent used to be beaten up by the second respondent on a regular basis. He also used to demand money as dowry and for the payment of his unlawful habits.



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3. The allegation proceeds that with great difficulty the first respondent satisfied the obsession for money and wealth of the second respondent. As she suffered economically, mentally and physically at the hands of her husband viz., the second respondent, she initiated D.V.C.No.3 of 2022, on the file of the Judicial Magistrate, Vaniyambadi.

4. As pointed above, she impleaded her husband, father-in-law, mother-in-law, sister-in-law's husband and husband's sisters as parties to the proceedings together with his paramour.

5. A careful perusal of the Petition that has been filed seeking Protection Order as well as Residence Order and other monetary benefits would show no allegation has been made as against the civil revision petitioners. In order to attract the provisions of the Domestic Violence Act, 2005, as against the in-laws, it falls on the aggrieved woman to set out instances, on behalf of which the petitioner claims to have suffered domestic violence in terms of Section 3 of the above said Act in the petition itself.



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6. I have carefully gone through the complaint and I do not find any such allegation of domestic violence against the civil revision petitioners.

Nowhere there is an allegation against them but allegations are only as against the respondents 2 and 3.

7. I feel it will be an abuse of process of law to continue the proceedings as against the civil revision petitioners.

8. In fine, the civil revision petition is allowed. Accordingly, D.V.C.No.3 of 2022 on the file of the Judicial Magistrate, Vaniyambadi is quashed as against the civil revision petitioners alone. It shall proceed against the respondents 2 and 3. No cost. Consequently, connected miscellaneous petition is closed.

18.06.2024

Neutral Citation: Yes/No

Index: Yes/ No

Internet : Yes/No

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To
The Judicial Magistrate,
Vaniyambadi



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V.LAKSHMINARAYANAN, J.

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