



C.R.P.(PD).No.1072 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.1072 of 2022
and
C.M.P.Nos.5476 & 5477 of 2022

D.Durai Kumar

.. Petitioner

Vs.

B.Thanalakshmi

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and quash the D.V.C.No.12 of 2021 on the file of Metropolitan Magistrate Additional Mahila Court at Egmore.

For Petitioner : Mr.Adi Narayana Rao
for Mr.K.Sankar

For Respondent : Mr.S.Sarathkumar
for Mr.T.R.Udayakumar



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ORDER

This petition has been filed challenging the proceedings in DVC No. 12 of 2021 on the file of the learned Additional Mahila Court cum Metropolitan Magistrate at Egmore.

2. The petitioner is the husband. Several proceedings are pending between the husband and wife. H.M.O.P.No.604 of 2020 was initiated before the Court at Thoothukudi which has now been transferred and pending in H.M.O.P.No.2357 of 2021 before the learned VI Additional Family Court at Chennai. Similarly the respondent / wife had initiated H.M.O.P.No.2655 of 2020 which is also pending before the learned VI Additional Family Court at Chennai.

3. From the wedlock, a child who has been certified to be a 'Special child' was born and for the custody of that child, the parties are fighting in G.W.O.P.No.1513 of 2021 and that too is pending before the learned VI Additional Family Court, Chennai. While these proceedings are pending, the petitioner gave a complaint to the Protection Officer cum District Welfare Office, District Collectorate Office at Chennai. After the enquiry, the



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Protection Officer has come to a conclusion that acts of Domestic Violence have been caused by the petitioner as against the respondent. Consequent to this report, DVC No.12 of 2021 has been taken on file.

4. Mr.Adi Narayana Rao, the learned counsel appearing for the petitioner would submit that some of the relief that has been sought for by the petitioner cannot be granted by the learned Additional Mahila Court. Therefore, he seeks for quashing of the proceedings.

5. At the time of the quashing the proceedings, this Court would have to see whether *prima facie* allegations have been made by the respondent as against the petitioner. A perusal of the report of the Protection Officer discloses that the respondent has made specific allegations as against the petitioner. Whether they are true or whether they are false cannot be gone into by me under Article 227 of the Constitution of India. Therefore, I am of the view that the present quash petition does not deserve acceptance and hence it is liable to be dismissed.

6. Mr.Adi Narayana Rao, would submit that the petitioner / husband is



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a Counsel practising before this Court.

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7. Taking into consideration the position of the petitioner, his appearance before the Court is dispensed with for all non-essential hearings. He shall however appear whenever his presence is indispensable. Taking into consideration that the parties have been litigating for more than three years in a summary proceeding, the learned Additional Mahila Court cum Metropolitan Magistrate, Egmore is requested to take up the petition and dispose of the same within a period of six months from the date of receipt of a copy of this order.

8. With the above direction, this Civil Revision Petition is dismissed.

No costs. Connected miscellaneous petitions are closed.

17.04.2024

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order / Non-speaking order
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The Metropolitan Magistrate cum
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Additional Mahila Court,
Egmore.



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V.LAKSHMINARAYANAN, J.

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