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C.R.P.(PD).No.1647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.1647 of 2024 &
C.M.P.No.8721 of 2024

1.K.L.Harish
2.K.Lakshmipathy
3.L.Vijayalakshmi ... Petitioners

-Versus-

1.R.Nivedha
2.Minor K.H.Vishruth ... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to quash the impugned complaint in D.V.C.No.9 of 2023 on the file of the Judicial Magistrate No.I, Tambaram insofar as it relates to the petitioners are concerned.

For Petitioners : Mr.T.Pushkin Rajkumar

ORDER

This civil revision petition seeks to quash the proceedings in D.V.C.No.9



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of 2023 on the file of the Judicial Magistrate - I at Tambaram.

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2. The wife and the two year old son born to the first petitioner initiated a domestic violence complaint under Section 12 of the Prevention of Women from Domestic Violence Act, 2005.

3. It is the case of petitioners 2 and 3 that they never resided with the first respondent and their son/the first petitioner. Therefore, they state that there is no possibility of domestic violence having been meted out by them as against the first respondent/wife.

4. A perusal of the complaint shows that specific allegations have been made against the second and third petitioners, who are the father and mother of the first petitioner respectively. It is stated that the third petitioner, who is the mother of the first petitioner, never permitted her son and his wife to live together. On the inducement of the second and third petitioners, the first petitioner tortured the first respondent both physically and mentally.

5. As specific allegations have been made against the petitioners, I am



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not inclined to quash the proceedings. However, considering the age of petitioners 2 and 3, their appearance before the learned Judicial Magistrate-I, Tambaram is dispensed with for all hearings other than the essential hearing. For non-essential and procedural hearings, petitioners 2 and 3 will be represented through a counsel. The appearance of the first petitioner is not dispensed with.

6. In view of the above, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order

To



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1.The Judicial Magistrate No.I, Tambaram

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V.LAKSHMINARAYANAN, J.

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