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C.R.PD.No.1478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.PD.No.1478 of 2024

and

C.M.P.No.7931 of 2024

1.S.Jayaprakash

2.B.Manjula

3.S.Rohit

... Petitioners

Vs.

Rashmi Christina

... Respondent

PRAYER: Revision filed under Article 227 of the Constitution of India praying to set aside the order passed in CrI.M.P.No.11106 of 2023 in D.V.C.No.21 of 2023 on the file of the Judicial Magistrate, Additional Mahila Court, Tiruvallur, dated 18.01.2024.

For Petitioners : Mrs.L.Srileka

ORDER

This revision is against an order passed in CrI.M.P.No.11106 of 2023 seeking discharge of the petitioners 1 to 3 from D.V.C.No.21 of



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2. The 1st petitioner is the husband, the 2nd petitioner is the mother-in-law and the 3rd petitioner is the brother-in-law of Smt.Reshmi Chrishtina who is the petitioner in D.V.C.No.21 of 2023. 1st petitioner and the respondent entered into a matrimony pursuant to an advertisement given in a matrimonial app. According to the 1st petitioner, the respondent, using sugar-coated words, convinced him to part with Rs.16,00,000/- and when she wanted the property which stands in the name of the 2nd petitioner to be written in her name, the 2nd petitioner lodged a police complaint. As a counter blast, the present complaint regarding domestic violence has been lodged against the petitioners herein.

3. On these averments, the petitioners wanted them to be discharged from D.V.C.No.21 of 2023. To that effect, they filed a petition in Crl.M.P.No.11106 of 2023. After receiving a counter from the respondent wife, the learned trial Judge proceeded to dismiss the petition, against which the present revision.

4. A reading of the DVC would show that allegations of domestic



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violence have been made against all the three petitioners. The principle for discharge states that a person can be only discharged if the case by itself is “groundless”. In other words, taking the complaint to be true, if the complaint, when read as a whole, does not make out an offence against any of the petitioners, then the petitioners will be entitled to an order of discharge. The learned trial Judge, on going through the complaint, has come to a conclusion that the complaint has necessary allegations of domestic violence against the civil revision petitioners and on that ground, she has dismissed the petition.

5. The persuasive arguments of Mrs.L.Srileka, learned counsel for the petitioners that the entire case in D.V.C.No.21 of 2023 has been foisted because the wife wanted to take over the property of the mother-in-law are matters which have to be gone into at the time of trial. At this stage, applying the principle of law stated above, I am not in a position to come to the rescue of the petitioners.

6. Learned counsel would submit that the 2nd petitioner is working as a nurse and the 3rd petitioner is a student undergoing certain computer courses after completing his engineering degree. Therefore, the learned



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Judicial Magistrate, Additional Mahila Court, Tiruvallur shall not insist on the presence of the 2nd and 3rd petitioners for all the hearings. They shall be present at the essential hearings in the proceeding. On the other dates of their hearings, their presence shall not be insisted upon and they will be represented by a counsel on those dates. This order will not enure in favour of the 1st petitioner, who shall appear for all the hearings.

7. With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

12.04.2024

Index : Yes / No

Neutral Citation : Yes / No

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The Judicial Magistrate,
Additional Mahila Court,
Tiruvallur,



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V.LAKSHMINARAYANAN, J.

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