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C.R.P.No.1599 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.1599 of 2024
and C.M.P.No.8559 of 2024

1.Udhayakumar
2.Thirupathy
3.Uma Maheshwari
4.Dr.Ranjana

... Petitioners

-Vs-

Dr.T.V.Sivasankari

... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to call for the records of the DVC No.29 of 2023 on the file of the learned Additional Mahila Court, Krishnagiri, Krishnagiri District.

For Petitioners : Mr.E.Kannadasan

ORDER

This revision seeks to quash the proceedings in D.V.C.No.29 of 2023 on the file the learned Additional Mahila Court, Krishnagiri Distrct.

2. A perusal of the domestic incident report filed under Section 5(1) and 17 of the Domestic Violence Rules make out a prima facie case against the revision petitioners.



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3. Mr.E.Kannadasan would contend that they are only allegations and figment of imagination of the respondent which are not true.

4. It is not for me to investigate under Article 227 of the Constitution of India whether the allegations are true or not. When prima facie allegations exists, I am afraid that I am not in a position to come to the rescue of the petitioners. The civil revision petition stands dismissed.

5. However, taking into consideration that the petitioners 2 and 3 are senior citizens and the fourth petitioner is the sister-in-law of the complainant T.V.Sivasankari, I am inclined to direct the learned Additional Mahila Court Judge, Krishnagiri to insist on the presence of the petitioners 2 to 4 only during essential hearings and for all other hearings, they would be represented through a counsel. This order will not enure in favour of the first petitioner.

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



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7. I make it clear that I have not gone into the merits of the complaint. Being a plea in demurrer, I have only considered the allegations made in the complaint to be true and on that basis tested whether the proceedings must be quashed or not. It is the duty of the respondent to prove the allegations at the time of trial. The dismissal of this civil revision petition will not affect the defences that will be taken by the petitioners during the course of trial.

12.04.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Additional Judge
Mahila Court, Krishnagiri
Krishnagiri District.



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V. LAKSHMINARAYANAN, J.
KST

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