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C.R.P.No.1664 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1664 of 2022 and
C.M.P.No.8273 of 2022

1.C.Malliga
2.Kanchana
3.K.Vaakeswaran

... Petitioners

Vs.

1.S.Kalaiselvi
2.Minor Athithiya
3.Minor Adharsh
4.C.Senthilkumar

... Respondents

PRAYER: Revision filed under Article 227 of the Constitution of India praying to call for the records pertaining to the proceedings in D.V.Case No.2/2022 on the file of Hon'ble Judicial Magistrate, Gudiyatham against the petitioners and set aside the same.

For Petitioners : Mr.R.Radha Pandian
For respondents : Ms.S.Isha for
Ms.P.Veena Suresh

ORDER

This revision challenges the proceedings in D.V.C.No.2 of 2022.

2. The petitioners before me are the mother-in-law, sister-in-law, and sister-in-law's husband of the 1st respondent. The 1st respondent



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married the 4th respondent. From the wedlock, two children were born, who are the respondents 2 and 3 before me.

3. It is the case of the petitioners that the DVC proceeding is a vexatious one and has been initiated as against them with an ulterior motive. They argue that they never resided with the respondents 1 to 4. The 4th respondent and the 1st respondent resided at Ullagaram, whereas the mother-in-law was residing in Nanganallur and the 2nd and 3rd petitioners are residents of Gudiyatham. According to the petitioners, they never caused any domestic violence on the 1st respondent and therefore, the said proceedings have to be quashed.

4. In a matter relating to quash, I have to take the complaint at its face value. Taking the complaint at its face value, if I come to a conclusion that the allegations make out a case of domestic violence, certainly, the proceedings can be quashed.

5. In the case on hand, the 1st respondent has made specific allegations against the petitioners and the 4th respondent. Therefore, I am not in a position to come to the rescue of the petitioners. As the



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complaint makes out specific allegations against the in-laws, it is not liable to be quashed.

6. I notice that the 1st petitioner is a senior citizen, aged about 70 years, who is residing at Chennai. Petitioners 2 and 3 are not residents of Chennai, but of Gudiyatham. Taking the 1st petitioner's age and the fact that petitioners 2 and 3 are not in-laws into consideration, I am inclined to dispense with the appearance of the civil revision petitioners before the learned Judicial Magistrate at Gudiyatham. The petitioners need not appear for every hearing, but it would suffice, if they appear for hearings where their presence is indispensable. For the other procedural and non-essential hearings, they will be represented through a counsel. Liberty is granted to the petitioners to raise all the objections that they are entitled to raise at the Court at the time of trial.

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

23.04.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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V.LAKSHMINARAYANAN, J.

Sgl

To

The Judicial Magistrate,
Gudiyatham.

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