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C.R.P. (PD) No.2740 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.2740 of 2024
and C.M.P.Nos.14526 & 14524 of 2024

P.Navin Kumar

.. Petitioner

Versus

D.Sudha

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the D.V.C.No.28 of 2024 pending on the file of the IX Metropolitan Magistrate, Egmore at Chennai, and struck the same.

For the Petitioner : Mr.T.Sreelekha

For the Respondent : Mr.M.Balasubramanian

ORDER

A Full Bench of this Court in *Arul Daniel v. Suganya*, (2022) SCC OnLine Mad 5435 has held that the revision to quash the Domestic Violence Case should not be entertained unless and until the learned Judicial Magistrate



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does not have the jurisdiction to entertain the said petition.

2. In the facts of this case, the relationship between the petitioner and the sole respondent is admitted. They were married on 10.03.2021. When the domestic relationship exists, I cannot hold that the learned IX Metropolitan Magistrate does not have the jurisdiction to entertain the DVC.

3. The Full Bench has pointed out that in case the respondent in the DVC feels that he or she has been impleaded unnecessarily, the remedy of the party to move an application to strike off before the learned Judicial Magistrate invoking the procedure under Section 28(2) of Act 43 of 2005.

4. Leaving it open to the Civil Revision Petitioner to adopt the appropriate remedy as enunciated by the Full Bench of this Court, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

19.10.2024

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V.LAKSHMINARAYANAN, J.,

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Index : Yes / No
Internet: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To
The IX Metropolitan Magistrate,
Egmore, Chennai.

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