



CRP No.2183 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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1.G.Ambikesh
2.S.Gowri
3.Dhanalakshmi
4.A.T.Arunachalam

... Petitioners

Vs.

P.N.Seethalakshmi

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records in DVA No.89 of 2022 and quash the same now pending on the file of Special Court for Trial for Domestic Violence Act Cases, Coimbatore.

For Petitioners : Mr.T.S.Rajamohan

For Respondent :Mr.V.Janarthanan



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ORDER

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The civil revision petition is filed to call for the records in DVA No.89 of 2022 pending on the file of Special Court for Trial for Domestic Violence Act Cases, Coimbatore and quash the same.

2. The first petitioner is the husband and second and third petitioners are in-laws of the respondent. The marriage between the first petitioner and the respondent took place on 08.12.2021 at Annamaiyah Midland Residency, Telungupalayam Pirivu, Perur Main Road, Coimbatore, as per Hindu rites and customs. Due to some misunderstanding, the first petitioner and the respondent got separated and the respondent left the husband for a short period. Thereafter, the respondent/wife had filed application in DVA No.89 of 2022 with false allegation. Therefore, the petitioners have filed this civil revision petition to quash the same.

3. Learned counsel for the petitioners submits that the respondent got separated from the first petitioner for a short period and she has filed the



application with false allegations. Hence, he seeks for allowing the Revision.

4. Learned counsel appearing for the respondent contended the allegation made in the application whether it is true or not has to be decided after letting evidence before the trial court and at the initial stage, there is no ground to quash. Hence, he seeks to dismiss the Revision.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. The first petitioner is the husband and second and third petitioners are in-laws of the respondent. The marriage between the first petitioner and the respondent took place on 08.12.2021 at Annamaiyah Midland Residency, Telungupalayam Pirivu, Perur Main Road, Coimbatore, as per Hindu rites and customs. After the marriage, they lived for short period and due to some dispute, they are living separately now. While so, the respondent wife has filed this application in DVA No.89 of 2022 before the



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Special Court for Trial for Domestic Violence Act Cases, Coimbatore with the allegation of cruelty and other grounds and seeking monthly maintenance, compensation, peaceful possession and enjoyment of the house and protection.

7. I have gone through the allegations in the application. The allegation has to be enquired and trial court has to decide upon the evidence placed by the parties. In these circumstances, when there is a prima facie allegation, it is not proper to quash the proceedings before letting evidence. There is no ground made out for quashing the criminal proceedings in DVA.89 of 2022 on the file of the Special Court for Trial for Domestic Violence Act Cases, Coimbatore. Hence, the civil revision petition is liable to be dismissed. According, the civil revision petition is dismissed. There shall be no order as to costs. Consequently, CMP No.11310 of 2022 is closed.

8. Personal appearance of the petitioners 2 and 3 i.e. father in law and mother in law of the respondent is hereby dispensed with a condition that



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they should appear before the trial court for further proceedings as and when required by the trial court.

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Index: Yes/No
Internet: Yes/No
mrn



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V.SIVAGNANAM, J.

(mrn)

To
The Special Court for Trial for Domestic Violence Act Cases,
Coimbatore.

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