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C.R.P.(PD)No.2454 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.2454 of 2024

and

C.M.P.Nos.12828 & 12829 of 2024

P.Mani

.. Petitioner

Vs.

1.Anitha

2.T.Tamilselvan

.. Respondents

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the entire records relating to the petition in D.V.C.No.48 of 2024 on the file of the Special Court for Domestic Violence Act Cases at Coimbatore and quash the same.

For Petitioner : Mr.R.Prabakar

ORDER

The present Civil Revision Petition seeks quashing of proceeding that has been initiated by the 1st respondent herein in D.V.C.No.48 of 2024 on



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the file of the Special Court for Domestic Violence Act Cases at Coimbatore.

2. The 1st respondent is the civil revision petitioner's daughter-in-law and the 2nd respondent is civil revision petitioner's son. The 1st respondent married the 2nd respondent on 15.09.2013.

3. Alleging that the 2nd respondent herein had treated the 1st respondent in a manner which attracts the provisions of Domestic Violence Act, she has initiated the proceeding in D.V.C.No.48 of 2024.

4. The civil revision petitioner pleads that she is a person suffering from Parkinson's disease and on account of this fact, she should not be proceeded against before the Domestic Violence Court.

5. The test for quashing the Domestic Violence complaint had been laid down by the Supreme Court in ***Inderjit Singh Grewal vs. State of Punjab and Another [(2011) 12 SCC 588]***. The Court held that the complaint, which has been filed, has to be taken to be true and on perusal of



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the same, if no allegations were made out against the party, then the proceedings can be quashed against that person. A perusal of the Domestic Violence Complaint in the present case shows that there is a specific allegation made against the mother-in-law. This is found in Paragraph No.5 of the said complaint.

6. A reading of that paragraph shows that it complies with the requirements of Section 3 of the Protection of Women from Domestic Violence Act, 2005. Therefore, I am not in a position to come to the rescue of the civil revision petitioner.

7. However, taking into consideration the fact that she has produced a certificate from Kovai Medical Center and Hospital Limited, Coimbatore that she is suffering from Parkinson's disease and polyarthralgia in the right upper and lower limbs, I am inclined to dispense with her presence before the Special Court for Domestic Violence Act Cases at Coimbatore.



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8. In the light of the above discussion, the Civil Revision Petition stands dismissed. No costs. The connected Civil Miscellaneous Petitions are closed.

9. The learned Judge dealing with D.V.C.No.48 of 2024 need not insist upon the presence of the civil revision petitioner herein/2nd respondent therein for every hearing and she shall be represented through a counsel. She shall only appear before the Court where her presence is inevitable.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

The learned Special Judge for Domestic Violence Act Cases,
Coimbatore

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and
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