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CRP No.2918 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP No.2918 of 2024
and CMP Nos.15583 and 15587 of 2024

1. Deenadayalan
2. Mrs.Vijayalakshmi .. Petitioners

-VS-

1. P.Pavithra
2. D.Srinivasan .. Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to call for the records in DVC No.5 of 2024 on the file of Judicial Magistrate No.II, Poonamallee and quash the same.

For Petitioners : Mr.U.Poushali

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ORDER

This civil revision petition seeks to quash D.V.C.No.5 of 2024 on the file of Judicial Magistrate No.II at Poonamallee.

2. The civil revision petitioners are the mother-in-law and father-in-law of the first respondent. They are the parents of the second respondent. According to the civil revision petitioners, the parents are residing at Valasaravakkam whereas the second respondent, their son, is a resident of Gopalapuram.

3. Heard Ms.Poushali for the civil revision petitioners. She would assert that since the parents are residing separately from the first and second respondents, they had no role to play in the litigation. However, a perusal of the complaint reveals that specific allegations have been made against the husband and the civil revision petitioners. This is clear from a perusal of pages 51 to 53 of the typed set of papers. Apart from Item No.3 therein, the



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first respondent has pleaded that her "கணவர், மாமியார், மாமனார்" have not only demanded dowry, but have also indulged in other forms of abuse which attracts Section 3 of the Protection of Women from Domestic Violence Act, 2005. Ms.Poushali would plead that all these are false statements and the petitioners are not responsible for the same.

4. The principle of law with regard to quashing of domestic violence complaints has been settled by the Supreme Court in ***Inderjit Singh Grewal vs. State of Punjab***, reported in ***2012 Cri.L.J.309***. The Supreme Court has held that if prima facie allegations exist as against the named individuals, then the Court should not enter upon to quash the complaint. It had left open the issue whether the allegations are true or false to be decided at the time of trial.

5. Applying the principles laid down by the Supreme Court, I am not in a position to come to the rescue of Ms.Poushali's clients. However, taking into consideration that the petitioners are nearly senior citizens, their appearance is dispensed with before the learned Judicial Magistrate No.II,



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Poonamallee. They can be represented through a counsel and they shall be present whenever their appearance is essential.

6. With the aforesaid observation, the civil revision petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

05.08.2024

Index : Yes/No
Neutral Citation : Yes/No
sra

To

The Judicial Magistrate No.II,
Poonamallee.



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V.LAKSHMINARAYANAN, J.

(sra)

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