



C.R.P. No. 3001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

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THE HON'BLE MR. JUSTICE V. LAKSHMINARAYANAN

C.R.P. No. 3001 of 2024

&

C.M.P. Nos. 16118 & 16119 of 2024

Anusha

..Petitioner

Vs.

R. Arthy

..Respondent

Prayer: Civil Revision Petition to set aside the order dated 16.04.2024 passed in C.M.P. No. 5974 of 2022 in D.V.C. No. 8 of 2021 on the file of learned Judicial Magistrate No.1, Virdhachalam.

For Petitioner :: Mr.M. Rajavelu

O R D E R

A petition, namely, C.M.P. No. 5974 of 2022 was filed under Section 314 of the Code of Criminal Procedure to strike out the civil revision



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petitioner from the array of parties in D.V.C No. 8 of 2021. Learned Trial Judge perused the complaint and found that specific allegations had been made against the civil revision petitioner with respect to alleged harassment that was faced by the respondent herein. Consequently, the learned Trial Judge came to the conclusion that since allegations exist, the petition filed under Section 314 of Code of Criminal Procedure cannot be entertained. By order dated 16.04.2024, the learned Trial Judge dismissed C.M.P. No. 5974 of 2022 as against which the present civil revision petition has been preferred.

2. A perusal of the complaint that was filed by the respondent shows that she had made allegations as against the revision petitioner specifically stating that Anusha, the revision petitioner had demanded jewels/gold ornaments and also goaded her husband to make such demands to the respondent herein.

3. The position of law, as regards the issue on hand, is settled by the Supreme Court in *Inderjit Singh Grewal V. State of Punjab and Another [(2011) 12 SCC 588]* (Per P. Sathasivam,J.) (as he then was) wherein it was held that if *prima facie* allegations are made in the petition,



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Courts should not interfere under Article 227 of the Constitution of India and leave it open to be decided on the merits of the case at the time of final disposal. Bearing this principle in mind, I am of the view that since allegations have been made against the civil revision petitioner, no exception can be taken to the order passed by the learned Trial Judge. Therefore, the order passed by the learned Trial Judge does not require any interference and the civil revision petition fails.

4. At this stage, Mr.M.Rajavelu submits that the revision petitioner, though shown to be a resident of Ariyalur, is actually a resident of Bangalore and she finds it difficult to travel for every hearing from Bangalore to Vridhachalam. Hence, he would plead for dispensing with the appearance of the civil revision petitioner, who has been shown as 2nd respondent in D.V.C. No. 8 of 2021. Evidence has also been produced before this Court to show that the civil revision petitioner is a resident of HBR Layout, Bangalore.

5. Taking into consideration the plea of distance from Bangalore to Vridhachalam is considerable, this Court is inclined to dispense with the appearance of the revision petitioner in D.V.C. No. 8 of 2021 on the file of



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learned Judicial Magistrate No.I, Vridhachalam. The revision petitioner

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V. LAKSHMINARAYANAN,J.

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shall however be represented by a counsel on all dates of hearing and she shall appear before the Court on those dates when her presence is essential and indispensable.

6. With the above direction, the civil revision petition stands dismissed. No costs. Connected C.M.Ps are closed.

06.08.2024

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To

The Judicial Magistrate Court I,Vridhachalam.

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