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C.R.P.(PD).No.3152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

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THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.3152 of 2024
and C.M.P.Nos.16856 & 16857 of 2024

Balasubramaniyan

... Petitioner/1st Respondent

-Versus-

1.G.Radhika
2.Poongothai
3.Prakash
4.Priya

... 1st Respondent/Petitioner

... Respondents 2 to 4 /Respondents 2 to 4

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to quash the complaint against the petitioner pending before the District Munsif cum Judicial Magistrate Court, Pochampalli in D.V.C.No.1 of 2024.

For the Petitioner : Mr.S.N.Arunkumar

ORDER

This Civil Revision Petition has been filed challenging the D.V.C.No.1 of 2024 pending on the file of the District Munsif cum Judicial Magistrate at Pochampalli.



C.R.P.(PD).No.3152 of 2024

2. The Civil Revision Petitioner is the husband. There is no dispute that the petitioner and the 1st respondent entered into matrimony on 23.03.2011.

Thereafter because of disputes and differences, the parties have separated and they have approached several forums, including police, stating that the husband has retained 50 sovereigns of gold jewels belonging to the wife and claiming monetary compensation of Rs.20,000/- per month and compensation of Rs.5 Lakhs under Sections 19,20 and 22 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'the Act').

3. The wife has moved the the complaint in D.V.C.No.1 of 2024 before the District Munsif cum Judicial Magistrate Court, Pochampalli. The husband has moved this revision stating that the allegations are general in nature and they do not make out a case under the Act.

4. My reading of the complaint shows that through paragraph Nos. 7 and 8 specific allegations are made against the husband.

5. The Supreme Court of India in ***Inderjit Singh Grewal Vs. State of Punjab and Ors.***, (2012 CrL L. J 309) speaking through Justice P.Sathasivam (as he then was) has held that if the reading of the complaint makes out a prima facie case against the Civil Revision Petitioner, then the Court should not normally interfere with the same. Following the Judgment, I am of the view that the Civil Revision Petition does not deserve admission.



C.R.P.(PD).No.3152 of 2024

6. At this stage, Mr.S.N.Arunkumar states that the dispute itself is very limited in nature. He would point out that the relationship between the petitioner and the 1st respondent was a romantic relationship before the marriage. He would state that there is every possibility of settlement of the matter, in case, it is referred to mediation.

7. In the light of the above submission of the learned counsel for the petitioner, the learned District Munsif cum Judicial Magistrate, Pochampalli is requested to find out whether the matter is capable of being referred to mediation centre, for settlement. If he comes to a conclusion, he shall refer the matter to the District Mediation Centre at Krishnagiri.

8. With the above direction, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

08.08.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

Speaking / Non Speaking Order

To

The District Munsif cum Judicial Magistrate

District Munsif cum Judicial Magistrate Court, Pochampalli.



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C.R.P.(PD).No.3152 of 2024

V.LAKSHMINARAYANAN, J.,
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C.R.P.(PD).No.3152 of 2024

08.08.2024