



C.R.P.(PD).No.3178 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3178 of 2024
and C.M.P.Nos.17016 and 17022 of 2024

1. S.Jayachandran
2. S.Josekala
3. J.Anitha Jasmine

.. Petitioners

Versus

1. M.Gajalakshmi
2. J.Ajith Singh

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to strike out the complaint, dated 24.04.2024 given under Domestic Violence Act in D.V.C.No.34 of 2024 on the file of the learned XVII Metropolitan Magistrate, Saidapet with regard to the petitioners concern by allowing the Civil Revision Petition.

For Petitioners : Mr.Vignesh
for Mrs.L.Srileka

ORDER

This Civil Revision Petition challenges the proceedings in D.V.C.No.34 of 2024 on the file of the learned XVII Metropolitan



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Magistrate at Saidapet. The relationship between the parties is not in dispute.

2. The civil revision petitioners are the father-in-law, mother-in-law and sister-in-law of the first respondent. The first respondent married the second respondent on 15.11.2021 at Chennai. According to the complaint, the first and the second civil revision petitioners demanded dowry from the mother of the first respondent. In addition, the third civil revision petitioner had continually called her brother i.e., the husband of the first respondent while they were in honeymoon at Ooty. On return from the honeymoon, the second petitioner had taunted the first respondent stating that despite the cool climate of Ooty, she is incapable of becoming pregnant and used to continue this taunt for months.

3. Apart from these allegations, insofar as the third petitioner is concerned, the complaint states that she used to treat the first respondent as a servant and used to mock her dark coloured skin and also used to abuse her stating that it is better the first and second respondents get divorced because that day will be the happiest day for her. These are the allegations I



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am able to cull out in order to show that there is a *prima facie* case made out against the civil revision petitioners.

4. Mr.Vignesh, learned Counsel for the petitioners would argue that all these allegations are false.

5. Whether the allegations are true or false is not for me to decide sitting in revision. It has to be decided only after trial. Taking the allegations in the complaint to be true, I find that a case of domestic violence is made out as covered under Section 3 of Protection of Women from Domestic Violence Act, 2005.

6. In the light of the above discussion, I do not think it will be appropriate to quash proceedings when *prima facie* averments are available in the complaint. It is always open to the civil revision petitioners to prove that these allegations are false at the time of trial.

7. At this stage, Mr.Vignesh would plead that considering the age and relationship, the appearance of the parties before the learned Metropolitan



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Magistrate may be dispensed with. I find the request reasonable. The appearance of the civil revision petitioners before the learned XVII Metropolitan Magistrate, Saidapet is dispensed with. They shall however be represented by a Counsel on all hearing dates. They shall be present before the Court whenever their appearance is essential and indispensable.

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

08.08.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The XVII Metropolitan Magistrate,
Saidapet, Chennai.



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V.LAKSHMINARAYANAN, J.

grs

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