



C.R.P.(PD).No. 3180 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No. 3180 of 2024

&

C.M.P. Nos. 17029 & 17031 of 2024

1.D.Samivelu

2.S.Kalaivani

3.S.K.Gayathri Arjun

...Petitioners

Vs.

1.B.Madhumitha

2.Hari Hara Shanmuga Samivel

...Respondents

Prayer: Civil Revision Petition is filed under Section 227 of the Constitution of India to call for the records relating to the Petition in



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D.V.A.No.12 of 2024 on the file of the Judicial Magistrate I, Tiruppur
and quash the same by allowing the Civil Revision Petition.

For Petitioner : Mr. R.Prabakar

ORDER

The Civil Revision Petition seeks to quash the proceedings in
D.V.A.No.12 of 2024 on the file of the Judicial Magistrate I,
Tiruppur.

2. The Civil Revision Petitioners are the father-in-law, mother-in-law and sister-in-law of the 1st respondent. There is no dispute in the relationship between the 1st and 2nd respondents. They entered into matrimony on 27.11.2020 and thereafter set up their matrimonial home at Apachi Nagar, Kongu Main Road, Tiruppur. Alleging that the civil revision petitioners and her husband had abused her physically, emotionally as well as financially, the 1st respondent had presented the Domestic violence petition. A perusal of the complaint shows that she has made specific allegations against the father-in-law,



mother-in-law and sister-in-law starting from paragraph Nos.10 to 17.

The previous paragraphs are devoted to the alleged acts of domestic violence by the 2nd respondent / husband on the 1st respondent.

3. Mr. R.Prabakar, learned counsel would submit that the allegations are false and the 3rd civil revision petitioner is not even a resident of Tiruppur. After marriage, the 3rd petitioner has set up her matrimonial home at Bangalore in the State of Karnataka. He would submit that these allegations have been introduced as is done regularly under Section 498 A of the erstwhile IPC.

4. *Whether the allegations are true or false* is not for me to investigate while exercising Jurisdiction under Article 227 of the Constitution of India. The position of law has been laid down by the Supreme Court in ***Inderjit Singh Grewal Vs. State of Punjab and others - Crl L. J. 309***, where the learned Judges held that a Court should read the complaint and if the complaint contains allegations it is better to relegate the parties for trial rather than to appreciate



evidence while exercising Jurisdiction to quash. Following the dictum, as specific allegations are levelled against the civil revision petitioners, I am not in a position to come to their rescue.

5. At this state the learned counsel would state that the petitioners 1 and 2 are advanced in age and the 3rd petitioner is a pregnant woman. He would substantiate this by producing medical certificate from Manipal Hospitals, Bangalore. Taking into consideration the age of the petitioners 1 and 2 and the medical condition of the 3rd petitioner, their appearance before the learned Judicial Magistrate I, Tiruppur in D.V.A.No.12 of 2024 is dispensed with. However, they shall be represented by a counsel on all the hearing dates. They shall appear in Court if the learned Judicial Magistrate I, Tiruppur directs them to appear.

6. With the above observation, the Civil Revision Petition is dismissed. Consequently, the connected Civil Miscellaneous Petitions



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are closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

The Judicial Magistrate I, Tiruppur



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V.LAKSHMINARAYANAN, J.

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