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C.R.P.(PD).No.419 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.419 of 2022 &
C.M.P.No.2156 of 2022

1.Vignesh
2.Nagarajan
3.Saratha

... Petitioners

-Versus-

1.Sureka
2.Divya
3.Sundari

... Respondents

Civil Revision Petition under Article 227 of the Constitution of India to call for the records pertaining to D.V.A.No.6 of 2020 pending on the file of the learned Judicial Magistrate, Madathukulam, Thiruppur District and strike out the petitioner's name and the same is abuse of process of law.

For Petitioners : Mr.C.Iyyapparaj

For Respondent 1 : Mr.Vamikala

*For Respondent 3 : Mr.A.Arunesha
for Mr.A.V.Arun*



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ORDER

The present revision seeks to strike off D.V.A.No.2 of 2017 on the file of the Judicial Magistrate-2, Udumalpet. The said proceeding was subsequently transferred to the file of the Judicial Magistrate, Madathukulam and renumbered as D.V.A.No.6 of 2020.

2. The petitioners before me are the husband, father-in-law and mother-in-law of the first respondent.

3. It is the argument of the learned counsel for the petitioner that, as the husband and wife were living separately, the father-in-law and the mother-in-law have been unnecessarily roped into the litigation.

4. A careful perusal of the complaint, which has been enclosed in the typed set of papers, would show that the first respondent/Sureka has made specific allegations against the husband/first petitioner. She has stated that it was only at the instigation of the second and third petitioners that her husband had meted out domestic violence. Apart from that, the complaint also discloses the usage of words which, if proved, would amount to mental harassment of the



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first respondent.

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5. While dealing with the application for quash, I have to take the complaint to be true and on that basis, find out whether the case is made out as against the petitioners. This is only a prima facie conclusion as it is the plea in demurer.

6. A reading of the complaint discloses that the allegations have been made not only against the petitioners, but also against respondents 2 and 3. The main allegation is, of course, against Mr.Vignesh, who is the first petitioner. Therefore, when I find prima facie allegations have been made out as against the petitioners and the respondents 2 and 3, I am not in a position to quash the complaint or to nip the entire proceedings at the bud.

7. However, I notice that the second and third petitioners are senior citizens and so also the third petitioner happens to be the aunt of the first respondent. Therefore, the learned Judicial Magistrate, Madathukulam, is requested not to insist on the presence of petitioners 2 and 3 and the



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respondents 2 and 3 for all the hearings. Their presence is dispensed with. They shall, however, appear for all essential hearings. This order will not enure in favour of the first petitioner, who is the husband of the first respondent.

8. With the above observation, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order



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To

The Judicial Magistrate, Madathukulam, Thiruppur District



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V.LAKSHMINARAYANAN, J.

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C.M.P.No.2158 of 2022

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