



C.R.P.(PD).No.3467 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3467 of 2024
and C.M.P.No.18788 of 2024

1. K.Ramesh
2. K.Palaniammal
3. M.Karuppiah
4. K.Ramya
5. V.Karthik
6. Maheshwari

.. Petitioners

Versus

Sivaranjani

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the domestic complaint in D.V.A.No.51 of 2023 on the file of the learned Judicial Magistrate No.II, Tiruppur, by allowing this Civil Revision Petition.

For Petitioners : Mr.Ramanan
for Mr.N.Manoharan



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ORDER

This is a proceeding to quash D.V.A.No.51 of 2023 on the file of the learned Judicial Magistrate No.II, Tiruppur. There is no dispute in the relationship between the parties.

2. The sole respondent married the first respondent at Kovilpatti on 20.08.2021. The parties lived together for 40 days. It is stated in the complaint that the petitioners had demanded an Innova Crysta Car, gold jewels and cash of Rs.30,00,000/- towards dowry. Soon after the marriage, the sole respondent became pregnant. She would allege that the first petitioner kicked her which resulted in her abortion. She would state that the first petitioner was encouraged in his atrocious acts by the petitioners 2 to 6. The petitioners 2 and 3 are the parents of the first petitioner. The fourth petitioner is the sister and the fifth petitioner is her husband. The sixth petitioner is the sister's daughter of the third petitioner. The complaint proceeds further stating that all the petitioners had made arrangements for the marriage of the first petitioner with his maternal uncle's daughter.



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3. Mr.Ramanan, learned Counsel representing Mr.N.Manoharan, learned Counsel for the petitioners, would submit that the allegations made by the respondent are all false and does not deserve any consideration.

4. While dealing with the petition to quash a Domestic Violence Complaint, this Court has to take the complaint at *prima facie* level to be true and thereafter, scrutinize if the allegations attract Section 3 of the Domestic Violence Act. A perusal of the complaint shows that there has been a financial distress caused to the sole respondent on account of demand of dowry. It proceeds that due to concerted effort of the petitioners, the sole respondent underwent abortion and also the statement that the first petitioner was sought to be married off to his maternal uncle's daughter when he is in a subsisting marriage. All these allegations will attract Section 3 of the Domestic Violence Act. Therefore, I am not inclined to entertain the revision.

5. However, I have to take note of the fact that the petitioner Nos.4 and 5 are residents of Karaikudi and the sixth respondent is a resident of Pudupatti in Pudukottai district. Their appearance is dispensed with before



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the learned Magistrate in D.V.A.No.51 of 2023. However, they shall appear as and when their presence is essential and/or when their presence is so directed by the learned Magistrate. The benefit of being dispensed with will not enure to the petitioner Nos.1 to 3.

6. With the above directions, this Civil Revision Petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

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

To

The Judicial Magistrate No.II,
Tiruppur.



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V.LAKSHMINARAYANAN, J.

grs

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