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C.R.P.(PD)No.4195 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.10.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(PD)No.4195 of 2024
and C.M.P.No.23279 of 2024**

1.S.Manikandan
Represented by his power agent/father
A.Selvaraj

2.A.Selvaraj

3.S.Muthulakshmi

4.S.Sornapushpa Lakshmi

.. Petitioners

(Cause title accepted and 2nd petitioner
A.Selvaraj recognised as power agent to
the 1st petitioner S.Manikandan vide Court
order dated 04.10.2024 made in C.M.P.Nos.
22368 & 22364 of 2024 in C.R.P.SR.No.
110571 of 2024 by VLNJ)

Vs

Anugraha

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the
Constitution of India, to strike out the complaint in DVC.No.16 of 2024



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on the file of the District Munsif Court-cum-Judicial Magistrate's Court
at Vedaranyam.

For Petitioners : Mr.Shangar Murali

ORDER

A Full Bench of this Court in *Arul Daniel v. Suganya, (2022)* **SCC OnLine Mad 5435** has held that the revision to quash the Domestic Violence Act should not be entertained unless and until the learned Judicial Magistrate does not have the jurisdiction to entertain the said petition.

2. In the facts of this case, the relationship between the 1st petitioner and the sole respondent is admitted. They were married on 24.03.2021 at Ettukudi in Nagapattinam District. When the domestic relationship exists, I cannot hold that the learned Judicial Magistrate does not have the jurisdiction to entertain the DVC.

3. The Full Bench has pointed out that in case the respondent in the DVC feels that he or she has been impleaded unnecessarily, the



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remedy of the party to move an application to strike off before the learned Judicial Magistrate invoking the procedure under Section 28(2) of Act 43 of 2005.

4. That being the position of law, it is open to the civil revision petitioners to move an application for strike off before the learned District Munsif-cum-Judicial Magistrate at Vedaranyam. I am not inclined to entertain the revision.

5. At this stage, Mr.Shangar Murali, learned counsel appearing for the civil revision petitioners, pleads that the 1st petitioner is in abroad and is represented by the 2nd petitioner, who is his father and the 3rd and 4th petitioners are mother-in-law and sister-in-law of the sole respondent. He argues that the 2nd petitioner being the sole bread winner of the family, his appearance before the learned Judicial Magistrate be dispensed with. The 2nd petitioner has taken upon himself the responsibility of appearing before the Court as the power of attorney of the 1st petitioner. Therefore, I am not inclined to dispense with the appearance of the 1st petitioner represented by his power of attorney and the 2nd petitioner, the father-in-law of the sole respondent. The 3rd and 4th petitioners being the



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mother-in-law and sister-in-law of the sole respondent, their appearance is dispensed with. They shall, however, be represented by a counsel on all the dates of hearing. They shall present themselves before the Court when so directed by the learned Judicial Magistrate or when their appearance is essential.

6. With the above observations, the civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.10.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

The District Munsif-cum-Judicial Magistrate,
Vedaranyam.



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V. LAKSHMINARAYANAN,J.

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