



WEB COPY



C.R.P.(PD)No.4825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4825 of 2024
and Crl.M.P.No.26946 of 2024

1.Velu
2.Muthulakshmi

... Petitioners

Vs.

1.Sathya
2.J.Gopalakrishnan

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the DVC proceedings in D.V.C.No.11 of 2023 on the file of the learned Judicial Magistrate No.I, Polur and allow the CRP.

For Petitioner : Ms.K.Anusuya

ORDER

This Civil Revision Petition seeks to quash the proceedings in D.V.C.No.11 of 2023 on the file of the learned Judicial Magistrate No.I, Polur. The petitioners herein are the respondents 2 and 3 in D.V.C.No.11 of 2023.



2. Ms.K.Anusuya pleads that the petitioners are the sister-in-law of the first respondent and her husband. They are no way connected with the issues between the first respondent and the second respondent. She states that they have been unnecessarily impleaded as parties to the proceedings and therefore, the proceedings initiated against them deserves to be quashed.

3. A Full Bench of this Court in *Arul Daniel vs. Suganya*, [(2022) SCC OnLine MAD 5435] has held that a petition under Article 227, challenging a D.V.C proceedings, should not be entertained, unless and until, the learned Judicial Magistrate does not have jurisdiction to try the issue. The relationship between the respondents and the petitioners is being admitted, I cannot hold that the learned Judicial Magistrate has no jurisdiction. If the petitioners feel that they have been unnecessarily impleaded as a party to the proceeding, their remedy is to move an application to strike off their names from the array of parties before the learned Judicial Magistrate, Polur. Hence, I am not inclined to interfere with the said proceedings.

4. At this stage, Ms.K.Anusuya invites my attention to a certain Government Identity issued to the first petitioner. She states that he is working in the Department of Economic and Statistics in Chennai and the second



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petitioner, being his wife, is also a resident of Chennai. She pleads it will be extremely difficult for the petitioners to travel from Chennai to Polur, which would at least take 3 hours, for every hearing

5. Taking into consideration the relationship that exists between the petitioners and the respondents, and the fact that the petitioners are residents of Chennai, I am inclined to dispense with their appearance before the learned Judicial Magistrate No.I, Polur. They shall be represented by a counsel on all hearing dates. They shall present themselves before the learned Judicial Magistrate, whenever their appearance is indispensable or, when the learned Judicial Magistrate passes a specific order for their appearance.

6. With the above observation, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

Index : Yes / No
NCC : Yes / No
Anu



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V.LAKSHMINARAYANAN,J.

Anu

To

The Judicial Magistrate No.I, Polur

C.R.P.(PD)No.4825 of 2024
and Crl.M.P.No.26946 of 2024

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