



CRP No.3492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP No.3492 of 2024
and CMP Nos.18908 and 18911 of 2024

1. S.Abhilash
2. S.R.Srinivasa
3. Uma Srinivasa

.. Petitioners

-VS-

B.K.Rathi

.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India to strike off the name of the petitioners in DVC No.64 of 2024 pending on the file of Metropolitan Magistrate, Additional Mahila Court at Egmore, Chennai.

For Petitioners : Mr.Syed Mazhar Hayath

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ORDER

This civil revision petition seeks to quash the proceedings before the Metropolitan Magistrate cum Additional Mahila Court, Egmore, in D.V.C.No.64 of 2024.

2. The civil revision petitioners are the husband, father-in-law and mother-in-law of the respondent-wife. The civil revision petitioners would claim that the allegations contained in the complaint are false and it is a counter-blast to the divorce petition that has been filed by the husband in FCOP. No.376 of 2023 on the file of Additional District and Sessions Judge cum Family Court, Ranga Reddy District, Hyderabad. The petitioners would plead that the respondent never co-operated for consumation of the marriage and that triggered the filing of the aforesaid FCOP. They would plead that after service of summons in the said proceedings, the wife has initiated this case without any basis.



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3. Whether the allegations made in the complaint are true or false is not for me to investigate in a petition under Article 227 of the Constitution of India. Suffice it to say, the allegations made from paragraph Nos.9 to 16 are sufficient to satisfy the requirements of Section 3 of the Prevention of Women from Domestic Violence Act, 2005. Whether these allegations are true or false would necessarily have to be gone into at the time of trial.

4. Therefore, I am not inclined to quash the proceedings. However, I am able to note that the second and third petitioners are senior citizens and they are the permanent residents of Chandranagar in R.R.District at Telungana. Considering their age and location, I am inclined to dispense with their presence before the learned Metropolitan Magistrate cum Additional Mahila Court at Egmore for all the hearings other than the hearings when their presence is indispensable. The petitioners 2 and 3 will be represented by a counsel on all the hearing dates.



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5. With the above observation, the civil revision petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Neutral Citation : Yes/No

sra

To

The Metropolitan Magistrate,
Additional Mahilar Court, Egmore.



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V.LAKSHMINARAYANAN, J.

(sra)

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