



CRP No.3562 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

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and CMP No.19299 of 2024

1. Babuji @ S.Balamurugan
2. Subramanian
3. Kalyani

.. Petitioners

-VS-

R.Sinduja

.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the Domestic Violence complaint in D.V.C No.11 of 2023 on the file of District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District and strike off the same against the petitioners.

For Petitioners : Mr.G.Veerapathiran

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ORDER

This civil revision petition has been filed to quash DVC. No.11 of 2023 on the file of learned District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District.

2. The first petitioner is the husband of the respondent and the petitioners 2 and 3 are the father-in-law and mother-in-law of the respondent respectively. The first petitioner and the respondent married each other on 07.09.2022 at Thennampulam in Nagapattinam District. Thereafter, due to disputes and differences, the parties have separated.

3. According to Mr.G.Veerapathiran, the respondent suffered from mental illness. On account of that fact, the parties have agreed to a divorce in the presence of panchayatdars on 22.12.2022. He would plead that both the parties expressed before panchayatdars that they not interested to carry on with matrimonial life. He would add that the wife has also removed her 'Thali' and handed over the same to the civil revision petitioners in the



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presence of the respectable persons in the village. He has produced the said document before me to state that the parties having been divorced by consent, the initiation of domestic violence petition is an abuse of process of law. He has also produced the photographs to show that the brother of the respondent had removed the articles belonged to the respondent from the matrimonial home. Apart from that, he would add that in order to nullify the wedding between the first petitioner and the respondent, proceedings have been initiated before the Subordinate Court at Nagapattinam invoking Section 12 of the Hindu Marriage Act, 1955. In the light of the above submissions, he would plead the DVC proceeding be quashed.

4. I have carefully gone through the records and considered the submissions of Mr.G.Veerapathiran.

5. The proceedings have been initiated on the basis of the complaint lodged by the respondent with the District Welfare Officer, Nagapattinam District on 06.02.2023. A perusal of the complaint show that allegations of



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demand of dowry as well as emotional abuse are made out. Mr.Veerapathiran would submit that all these are false allegations and do not deserve to go for trial. Whether the complaint lodged with the Welfare Officer is a fraudulent one or not is not for this Court to verify in exercise of powers under Article 227 of the Constitution of India. Suffice it to say that allegations sufficient to attract Section 3 of the Prevention of Women from Domestic Violence Act, 2005 have been made out. Once the said allegations exist, then it is the duty of this Court to direct the parties to go for trial. At the stage of trial, the civil revision petitioners are entitled to prove the falsity of the case of the respondent. As allegations are present, I am not inclined to issue notice or quash the proceedings.

6. I notice that the petitioners 2 and 3 are senior citizens. Taking into consideration their age, I am inclined to dispense with their presence before the learned District Munsif cum Judicial Magistrate during the course of the proceedings. They shall, however, be represented by a counsel and they shall appear before the Court when their presence is indispensable or when the trial Court so directs them to appear.



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7. With the above observations, the civil revision petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

sra

To

The District Munsif cum Judicial Magistrate,
Vedaranyam.



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V.LAKSHMINARAYANAN, J.

(sra)

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