



C.R.P.(PD).No.3694 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3694 of 2024
and C.M.P.Nos.20051 and 20052 of 2024

1. M.Suganesh
2. Madhesh
3. Vijaya
4. Malarvizhi
5. Govindan

.. Petitioners

Versus

Sugapriya

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the complaint in D.V.C.No.4 of 2024 on the file of the learned Judicial Magistrate, Pennagaram by allowing this Civil Revision Petition before this Court.

For Petitioners : Mr.M.Selvam

ORDER

This petition is filed seeking to strike of the proceeding in D.V.C.No.4 of 2024 on the file of the learned Judicial Magistrate, Pennagaram.



C.R.P.(PD).No.3694 of 2024

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2. The first petitioner is the husband, the second petitioner is the father-in-law, the third petitioner is the mother-in-law and the fourth petitioner is the sister-in-law of the respondent. The fifth petitioner is the husband of the fourth petitioner. The respondent is aged about 21 years. She would plead that she married the first petitioner on 28.05.2021. She would state that thereafter, they set up matrimonial home at Nagamarai of Pennagaram taluk, Dharmapuri district. She would state that the revision petitioners would allege that she is incapable of producing a child from the wedlock and would thereby harass her on that issue day in and day out. On the basis of these allegations, she approached the Protection Officer under the Protection of Women from Domestic Violence Act, 2005. On a reference made by her, a complaint was taken on file which is the subject matter of the present revision.

3. Mr.M.Selvam, learned Counsel for the petitioners would submit that even before the Domestic Violence Complaint was lodged by the respondent seeking for reliefs under Sections 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005, the husband had initiated H.M.OP.No.144 of 2023 on the file of the Subordinate Court at



C.R.P.(PD).No.3694 of 2024

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Dharmapuri. He would state that the first petitioner sought a relief of declaration of the marriage between him and the sole respondent as null and void. He would state that the entire Domestic Violence Complaint came forth only on account of the fact that the husband initiated a petition for divorce. He would argue that the allegations made in the complaint are false and it is the respondent who kept herself away from the first petitioner. Hence, he would pray for striking of the complaint.

4. I have carefully considered the submissions of Mr.M.Selvam.

5. The relationship between the first petitioner and the respondent is not in dispute. Therefore, they have been in a domestic relationship which satisfies the first requirement of the Act. Insofar as the allegations made by the petitioner in the complaint are concerned, they would amount to emotional and verbal abuse of the respondent. Therefore, this attracts Section 3 of the said Act. Whether the allegations are true or false cannot be agitated in a revision. It necessarily has to undergo the ordeal of trial. Therefore, I am not inclined to admit the revision since the allegations *prima facie* make out a case of domestic violence under the said Act.



C.R.P.(PD).No.3694 of 2024

WEB COPY

6. At this stage, Mr.M.Selvam would submit that the fourth and fifth petitioners are living separately and are not residing along with the petitioner Nos.1 to 3 and hence, their presence may be dispensed with. I note that the fourth petitioner is the sister-in-law of the respondent and the fifth petitioner is the husband of the fourth petitioner. The petitioner Nos.2 and 3 are in-laws. Therefore, their presence is dispensed with before the learned Judicial Magistrate, Pennagaram. They shall however appear whenever they are so directed by the learned Magistrate or when their presence is indispensable. For all the other hearings, they can be represented through a Counsel. The benefit of this order will not enure to the first petitioner.

7. Mr.M.Selvam would submit that there is a possibility of a settlement by mediation between the parties. If the learned Magistrate feels that such possibility exists, he shall refer the parties for mediation before the District Mediation Centre at Dharmapuri district.



C.R.P.(PD).No.3694 of 2024

WEB COPY

8. With the above observations, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2024

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

To

The Judicial Magistrate,
Pennagaram.



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C.R.P.(PD).No.3694 of 2024

V.LAKSHMINARAYANAN, J.

grs

C.R.P.(PD).No.3694 of 2024
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11.09.2024