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CRP No.3785 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition No.3785 of 2024
and CMP No.20709 of 2024
& CMP No.19384 of 2024 in CRP SR No.113780 of 2024

1. Zaveullah

2. Ayesha

.. Petitioners

Vs.

1. Syeeda Mushtahar Unnisha

2. Abdul Harif

..Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to strike off the complaint in DVC No.2 of 2024 on the file of District Munsif cum Judicial Magistrate Court, Uthiramerur.



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For Petitioner : Mr. N.A.Nassir Hussain

ORDER

This Civil Revision Petition arises at the instance of the second and third respondents to DVC No.2 of 2024 on the file of the District Munsif cum Judicial Magistrate at Uthiramerur.

2. The facts leading to this revision are the first respondent contracted her marriage with the second respondent on 27.12.2020 as per Islamic rites and Customs at Uthiramerur. The second respondent is said to be employed at Abu Dhabi. Due to disputes and differences *inter se* the husband and wife, they separated. The wife has presented OS No.66 of 2022 before the learned District Munsif cum Judicial Magistrate at Uthiramerur for divorce. The proceedings has been initiated alleging that the second respondent inflicted cruelty on her. Thereafter, she presented DVC No.2 of 2024



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before the very same Court under Section 12 of the Protection of Women from Domestic Violence Act. She seeks for compensation of Rs.10,00,000/- and for residence order, maintenance and other connected reliefs.

3. On being served the summons, the respondents No.2 and 3 to the DVC petition are before me, seeking to quash the proceedings.

4. The manner in which a Court must proceed under the Domestic Violence Act, when a petition is filed for quash has been settled by the Supreme Court in *Inderjit Singh Grewal vs. State of Punjab and other*, reported in **2012 Crl LJ 309 (SC)**. It held that in case *prima facie* allegations are made against the parties, then the Court should normally refer the parties to trial and should not venture into finding out whether the allegations are true or false. The truth or veracity of the allegations would necessarily have to undergo the ordeal of trial.



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WEB COPY 5. Mr.N.A.Nassir Hussain, learned counsel would plead that the complaints are general in nature and therefore, it requires interference by this Court.

6. A perusal of the complaint shows that specific allegations have been made against the petitioners herein. As pointed out above whether the allegations are true or false, it would have to be worked out only at the time of trial. Suffice it to say, a reading of the complaint attracts the provisions of the Domestic Violence Act. This is only a *prima facie* conclusion. It is always open to the Civil Revision Petitioners to demonstrate before the Court at the time of trial that the allegations are false.

7. Hence, I am not inclined to exercise the jurisdiction under Article 227 to quash DVC No.2 of 2024 on the file of the learned District Munsif cum Judicial Magistrate at Uthiramerur, the Civil Revision Petition stands dismissed.



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WEB COPY **8.** At this stage Mr.N.A.Nassir Hussain, would submit that the first respondent wants divorce and there is a distinct possibility that the matter could be settled by way of mediation.

9. In the light of this submission, the learned Judicial Magistrate shall refer the parties to mediation to the District Mediation Centre attached to the District Court at Chengalpattu. The learned Judicial Magistrate shall ensure that the mediation process is completed within a time frame and if the matter is not settled; to ensure the matter sees the light of trial at an early date.

10. I notice that the second petitioner is a lady and therefore, her presence alone is dispensed with before the learned Magistrate. She shall be represented by a counsel on all hearing dates. The order dispensing with the presence of the second petitioner will not enure to the first petitioner and the second respondent.



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WEB COPY 11. With the above observations, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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jv

Index: Yes/No

Internet: Yes/No

Speaking order/Non Speaking order

Neutral Citation: Yes/No

To

The Special Court to Try Cases filed
Under Protection of Women From Domestic Violence Act,
Coimbatore

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V.LAKSHMINARAYANAN, J.

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