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C.R.P. No. 4485 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 08.11.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

**C.R.P. No. 4485 of 2024**

**and**

**C.M.P. Nos. 25026 and 25028 of 2024**

1. M.Shivakumar
2. Bhanumathi
3. Balamurugan @ Bhuvanesh
4. Renuga Devi
5. Kamala
6. M.Yugalya

... Petitioners

**Vs.**

K.Dhanalakshmi

... Respondent

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the proceedings in D.V.C.No.31 of 2024 on the file of the learned XV Metropolitan Magistrate, G.T., Chennai so far as the petitioners are concerned.

For Petitioners : Mr. J.Abhishek

For Respondent : Ms. Samantha



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## ORDER

This civil revision petition has been filed to strike off the proceedings in D.V.C. No. 31 of 2024, pending on the file of the learned XV Metropolitan Magistrate, George Town, Chennai.

2. The Full Bench of this Court in ***Arul Daniel and Others vs. Suganya*** (2022 [6] CTC 833) has held that a revision to quash a domestic violence petition, exercised under Article 227 of the Constitution, is not maintainable unless and until the learned XV Metropolitan Magistrate is bereft of jurisdiction.

3. The reading of the petition reveals that the first petitioner was married to the sole respondent. Therefore, a matrimonial relationship existed, and hence, I cannot hold that the XV Metropolitan Magistrate was bereft of jurisdiction to entertain DVC No. 31 of 2024.

4. The Full Bench of this Court further provided a solution for a person who has been improperly impleaded as a party to the suit. The Bench directed that such persons, feeling they have been improperly impleaded, must file an



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application to strike off their name from the array of parties. If the petition is dismissed, after approaching the jurisdictional Court of Sessions, they can subsequently approach this Court by way of a Revision under Article 227 of the Constitution of India. Following the judgment of the Full Bench, I am not in a position to entertain this Revision.

5. I note that the second and fifth petitioners are the mothers-in-law of the sole respondent. The third petitioner is the brother-in-law, and the fourth and sixth petitioners are the sisters-in-law.

6. Taking into consideration the relationship as well as the age of the parties, the appearance of the second to sixth petitioners is dispensed with. They shall be represented, on all dates of hearing, by a counsel. They shall present themselves before the Court whenever so directed by the learned XV Metropolitan Magistrate or when their presence is essential. This order dispensing with presence shall not enure in favour of the first petitioner/husband.



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7. With the above observations, this Civil Revision Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

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Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

kv

To

The XV Metropolitan Magistrate,  
George Town,  
Chennai.



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**V.LAKSHMINARAYANAN, J.,**

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