



C.R.P. (PD) .No. 3728 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P. (PD) .No. 3728 of 2024

&

C.M.P.Nos.20240 & 20242 of 2024

1.P.Bharathapriya

2.R.Palanisamy

...Petitioners

Vs.

1.Tharani

2.Minor Mahizhini

3.Arunkumar

4.Selvamani

5.Shiam Kumar

...Respondents



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Prayer: Petition is filed under Article 227 of the Constitution of India against the complaint in D.V.C.No.2 of 2024 pending on the file of the learned Judicial Magistrate, Sirkazhi, Mayiladuthurai District.

For Petitioner : Mr. S.Anandakumar

ORDER

This Civil Revision Petition seeks to quash the proceedings in D.V.C.No.2 of 2024 pending on the file of the Judicial Magistrate, Sirkazhi.

2. The civil revision petitioners are the 4th and 5th respondents in the said DVC. They are the sister-in-law and sister-in-law's husband of the 1st respondent herein. The 1st respondent married the 3rd respondent and from the wedlock the 2nd respondent was born. The



marriage took place on 03.05.2019 at Sirkazhi. On 09.03.2020, the 2nd respondent was born to the couple. Due to differences and disputes, they have separated.

3. Feeling aggrieved over the actions of the respondents, the wife has lodged D.V.C.No.2 of 2024 on the file of the Judicial Magistrate, Sirkazhi.

4. This Civil Revision Petition has been filed by the respondents 4 and 5 alleging that they were never residing with the 1st respondent and her husband, at any point of time. They would state that since they were not connected to the 1st respondent and her husband during the time she was residing at matrimonial home, lodging of the complaint against them is an abuse of process of law.

5. Heard Mr. S.Anandakumar for the civil revision petitioners.



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6. The principle of law governing the quashing of the complaint is that on a reading of the complaint if it discloses that there exists a prima facie case as against the petitioners, then it is not to be quashed. Whether the averments made in the complaint is true or not, would have to be gone into only at the time of Trial.

7. A perusal of Paragraph No.7 of the complaint would show that the 1st petitioner had questioned whether the 2nd respondent was born to her brother or otherwise. Furthermore, specific allegation is found against the 2nd petitioner, who is the 5th respondent in the DVC proceeding, in the very same paragraph. Apart from that, a perusal of paragraph No.8 of the complaint also makes out that specific allegations have been made against the petitioners. Following the verdict of *Inderjit Singh Grewal Vs. State of Punjab and others – 2012 Crl L. J. 309 (SC)*, I am not inclined to accept the case of the petitioners.



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8. At this stage, Mr. S.Anandakumar would represent that the 1st petitioner is a Head Mistress in a Government Primary School and the 2nd petitioner is an operator in oil mill owned by the Tamil Nadu Government.

9. Considering the nature of the relationship and their avocation, their presence before the Judicial Magistrate, Sirkazhi is dispensed with. They shall however present before the Court when their presence is essential or when so directed by the learned Judicial Magistrate, Sirkazhi. For all other hearings, they should be represented by a counsel.

10. With the above observation, the Civil Revision petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

The Judicial Magistrate,
Sirkazhi.



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V.LAKSHMINARAYANAN, J.

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