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CRP. No. 4308 of 2024

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

DATED: 24.10.2024

CORAM

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

**CRP. No. 4308 of 2024 &**  
**CMP.No.23933 of 2024**

1.V.Elanchezhian  
2.E.Mahalakshmi

... Petitioners

V.

1.Vinothini  
2.Senthilnathan

... Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the names of the petitioners herein relating to the complaint in DVA. No.20 of 2024 on the file of the Judicial Magistrate No.2, Pollachi.

For Petitioner :Mr.V.Nicholas

**ORDER**

This Civil Revision Petition seeks to quash the domestic violence complaint instituted in D.V.C.No.20 of 2024 on the file of the Judicial Magistrate No.2, Pollachi.



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2. The Full Bench of this Court in *Arul Daniel and Others Vs. Suganya*, (2022 [6] CTC 833) has laid down that if a person is aggrieved by the initiation of proceedings under the Domestic Violence Act, the appropriate remedy is only to approach the very same Court which deals with the Domestic Violence complaint and file an application for strike off. The Full Bench further held that if the strike off petition goes against the applicant, the remedy is to prefer an appeal against the said order before the jurisdictional sessions Court. In an unfortunate event, the Sessions Court also goes against the applicant, the remedy is available under Article 227 of the Constitution of India. The Full Bench in clear and categorical terms held that unless and until the learned Magistrate lacks inherent jurisdiction, a petition under Article 227 of the Constitution of India should not be ordinarily entertained.

3. The parties are the father-in-law and mother-in-law of the first respondent. Therefore, considering the age and relationship between the petitioners and the first respondent, their appearance before the learned Judicial Magistrate No.2, Pollachi is dispensed with. They shall be



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represented by a counsel on all date of hearing. They shall appear when so directed by the Magistrate or when their appearance is indispensable.

4. In the light of the above judgment of the Full Bench, this civil revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**24.10.2024**

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Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

To

1. The Judicial Magistrate No.2, Pollachi.



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**V.LAKSHMINARAYANAN, J.,**

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