



CRP No.4382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

CRP No.4382 of 2024

1.V.Pasupathi
2.K.M.Vajjram : Petitioners

versus

C.Santhoshi : Respondent

Prayer: Revision petition filed to call for records pertaining to complaint made by the respondent/complainant in DVC No.27 of 2024 pending before the Judicial Magistrate, Additional Mahila Court at Alandur and to strike-off the same.

For Petitioners : Mr.B.Meganathan,
for Mr.L.Ramu

ORDER

This revision petition seeks to strike-off DVC No.27 of 2024 on the file of the Judicial Magistrate cum Additional Mahila Court, Alandur.

2. The first petitioner is the husband of the sole respondent and



CRP No.4382 of 2024

the second petitioner is her father-in-law.

3. A Full Bench of this Court in *Arun Daniel vs. Sukanya* [2022 (5) LW 481], speaking through Hon'ble Mr.Justice P.N.Prakash, has held that unless and until the learned Judicial Magistrate does not have the jurisdiction to deal with the petition filed under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005, petition under Article 227 of the Constitution of India should not be entertained. The Full Bench further directed that in case a party is aggrieved that he or she is arrayed as a respondent to the said proceeding, the appropriate remedy for such party is to move an application to strike-off his/her name from the array of parties. The Full Bench also held that in case the application to strike-off is dismissed, after exhausting the appeal remedy before the Sessions Court, the aggrieved party may approach this Court under Article 227 of the Constitution of India, challenging the said order.

4. In the light of the clear and categorical pronouncement of the Full Bench, leaving open the remedy to move an application to strike-off before the learned Judicial Magistrate, Alandur, this revision is dismissed.



CRP No.4382 of 2024

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5. I notice that the second petitioner is a senior citizen and he is the father-in-law of the sole respondent.

6. Taking into consideration the age and relationship of the second petitioner with the respondent, I am inclined to dispense with the appearance of the second petitioner alone in the proceedings before the learned Judicial Magistrate. However, the benefit will not inure in favour of the first petitioner. The second petitioner shall appear before the learned Judicial Magistrate as and when specifically directed by the learned Magistrate or when his presence is indispensable.

7. There will be no order as to costs. Consequently, CMP Nos. 24400 and 24398 of 2024 are closed.

30.10.2024

Index : Yes/No
tar

To

Page 3 of 5



CRP No.4382 of 2024

The Judicial Magistrate cum
Additional Mahila Court, Alandur.



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CRP No.4382 of 2024

V. LAKSHMINARAYANAN, J.

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CRP No.4382 of 2024

30.10.2024