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CRP No.4393 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM:

THE HONOURABLE Mr. JUSTICE V.LAKSHMI NARAYANAN

CRP No.4393 of 2024 and CMP No.24428 of 2024

1.S.Selvamani

2.S.Shanthi

3.P.Sampath

... Petitioners

Vs

N.Revathy

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to DVC No.03 of 2024 pending on the file of Judicial Magistrate, Cheyyar and strike off.

For Petitioners : Mr.R.Gokulraj

ORDER

A Full Bench of this Court in the case of *Arul Daniel vs Suganya* reported in **2022 SCC Online 5435** has held that a revision to quash the Domestic Violence proceedings under Article 227 of the Constitution of India should not be restored to unless and until the Judicial Magistrate who has entertained the Domestic Violence Case as no inherent jurisdiction to do so.



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2. The relationship between the parties is not in dispute. Therefore, I cannot hold that the Judicial Magistrate has a total bereft of jurisdiction. The Full Bench of this Court has further left it open to the parties, who felt that they have been improperly impleaded in the Domestic Violence proceedings, to approach the Magistrate and move an application to strike off. It has also made clear that in case the strike off petition is dismissed, they have to file an appeal before the Court of Sessions under Section 29 of the Protection of Women from Domestic Violence Act, 2005 and only thereafter, they should resort to a revision under Article 227 of the Constitution of India.

3. That being the position of law, leaving it open to the petitioners to file an appropriate application before the Judicial Magistrate to strike their names from the array of parties, the revision is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.11.2024

Index:Yes/No
Speaking order/Non-speaking order
sr



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To

The Judicial Magistrate, Cheyyar



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V.LAKSHMINARAYANAN,J.,

sr

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