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C.R.P. (PD) .No.5085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.5085 of 2024
and C.M.P.Nos.28485 & 28488 of 2024

A.Govinthan

.. Petitioner

Vs.

S.Gayathri

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the entire records in pursuant to the complaint in D.V.C.No.49 of 2024 on the file of the Judicial Magistrate, Additional Mahila Court, at Thiruvannamalai, Thiruvannamalai District thereby quash the same.

For Petitioner : Mr.K.Sathish Kumar

ORDER

This civil revision petition challenges the presentation of D.V.C.No.49 of 2024 on the file of the Judicial Magistrate, Additional Mahila Court, Thiruvannamalai, Thiruvannamalai District.



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2.The relationship between the parties is not in dispute. The petitioner married the respondent on 16.09.2013 and from the wedlock, two children were born. Out of two children, one child passed away. The other child is said to be in the custody of the civil revision petitioner. The petitioner pleads that the proceeding is an harassment and a counter blast to his petition for divorce filed on the ground of cruelty in F.C.O.P.No.112 of 2024 on the file of the Family Court at Vellore. Hence, he seeks for quashing of the DVC proceedings.

3.A Full Bench of this Court in *Arul Daniel and others Vs. Suganya, (2022) 6 CTC 833*, held, if the petitioner so desires, it is open to him to file a petition to strike off petition before the Judicial Magistrate.

4.In the light of the Full Bench judgment of this Court, I am not inclined to entertain this revision, since, domestic relationship between the parties is admitted.



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5.In the result, this Civil Revision Petition is dismissed. It is open to the petitioner to move an application to strike off before the learned Judicial Magistrate. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

18.12.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The Judicial Magistrate,
Additional Mahila Court,
Thiruvannamalai,
Thiruvannamalai District.



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V.LAKSHMINARAYANAN, J.

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