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C.R.P. No.4851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P. No.4851 of 2024
and C.M.P.No.27141 of 2024

1.Senniappan
2.Chellammal
3.Maheswari
4.Selvakumar

.. Petitioners

VS.

1.Kavitha
2.Logasampath
3.Bhuvana

.. Respondents

Petition filed under Article 227 of the Constitution of India, praying to call for the records relating to the proceedings in D.V.C.No.21 of 2023 on the file of the Judicial Magistrate No.1, Pollachi and struck off the same so far as the petitioners concern and allow the civil revision petition.

For Petitioners : Mr.D.Veerasekharan

ORDER

The Civil Revision Petitioners seek for quashing the proceedings in D.V.C.No.21/2023 on the file of the Judicial Magistrate No.1, Pollachi.



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2. The Civil Revision Petitioners are the father-in-law, mother-in-law, sister-in-law and brother-in-law of the first respondent. There is no dispute that the first respondent married the second respondent on 11.09.2019 at Pollachi.

3. A Full Bench of this Court in the case of ***Arul Daniel and Others Vs. Suganya, (2022 [6] CTC 833)*** has held that unless and until the Magistrate has no jurisdiction to entertain the Domestic Violence complaint, this Court should not interfere with the same in exercise of powers of revision under Article 227 of the Constitution of India. The Full Bench gave a solution to the persons like the Civil Revision Petitioners. The solution being that the parties can move an application for striking off their names from the arrest of parties before the same Court, which had issued summons to them under the Domestic Violence Act. In case, the petitions seeking striking off goes against the petitioners, they are entitled to file an appeal under Section 29 of the Domestic Violence Act before the Court of Sessions and even if that appeal goes against them, they are entitled to approach this Court in exercise of Article 227 of the Constitution of India.



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4. Following the said Full Bench decision of this Court, I am not inclined to entertain this Civil Revision Petition.

5. At this stage, the learned counsel for the civil revision petitioners points out that the first petitioner is a Senior citizen and is suffering from Asthmatic problems. He also points out that the second petitioner is suffering from Kidney issues and that the third petitioner is residing separately with her husband in Coimbatore. The same holds good for the 4th petitioner, who residing separately from the respondents 1 and 2 as well as the petitioners 1 and 2. Therefore, he seeks to dispense with the appearance before the learned Judicial Magistrate No.1 at Pollachi.

6. Taking into consideration the age, health condition as well as the relationship of the petitioners and respondents 1 and 2; their appearance before the Judicial Magistrate No.1, at Pollachi is dispensed with. They shall, however, be represented by a counsel on all the hearing dates. They shall present themselves before the Court, when the learned Judicial Magistrate specifically passes an order to that effect or when their presence is indispensable for the purpose of conducting the proceedings.



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Index:Yes/No

Neutral Citation:Yes/No

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To

The learned Judicial Magistrate No.1,
Pollachi.



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V. LAKSHMINARAYANAN, J.

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