



WEB COPY



CRP.No.4335 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP.No.4335 of 2024
and C.M.P.No.24121 of 2024

1.Krishnamoorthy
2.Hemamalini

.. Petitioners

Versus

1.Rani
2.Minor Athithya
Rep. by his mother Rani
3.Shankar
4.Balasubramaniyan
5.Saratha
6.Deepa

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records in DVC.No.23 of 2022 pending on the file of the Judicial Magistrate No.1, Mayiladuthurai and strike off the same.

For Petitioner : Mr.B.Jawahar

ORDER

This Civil Revision Petition seeks to quash the domestic violence complaint instituted in D.V.C.No.23 of 2022 on the file of the Judicial



CRP.No.4335 of 2024

Magistrate No.1, Mayiladuthurai.

WEB COPY

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 first petitioner is the brother-in-law of the third respondent and the second petitioner is the wife of the first petitioner. Hence, their appearance before the learned Judicial Magistrate is dispensed with for the



CRP.No.4335 of 2024

WEB COPY

present. They shall however appear as and when directed by the Magistrate or when their presence is indispensable

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

25.10.2024

nl

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no

To

The Judicial Magistrate No.1, Mayiladuthurai



WEB COPY



CRP.No.4335 of 2024

V.LAKSHMINARAYANAN, J.

nl

CRP.No.4335 of 2024

25.10.2024