



WEB COPY



C.R.P. (PD) .No.4557 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4557 of 2024
and C.M.P.Nos.25386 & 25387 of 2024

1.Subramani

2.Kokila

3.Sumathi

4.Sujatha

.. Petitioners

Vs.

1.Reka

2.Nivetha (Minor)

3.Thoniga (Minor)

(Minor respondents 2 & 3 are
represented by their Mother,
Reka, 1st respondent herein)

4.Suresh

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the
Constitution of India, praying to strike out of the petitioners name in



D.V.C.No.83 of 2023 pending on the file of the learned Judicial Magistrate Court, Ambattur and the same as abuse of process of law and quash the same by allowing the present civil revision petition.

For Petitioners : Mr.T.Muruganantham

ORDER

A Full Bench of this Court in *Arul Daniel and others Vs. Suganya, (2022) 6 CTC 833*, has held that a revision under Article 227 of the Constitution of India to strike off the Domestic Violence Petition, should not be normally entertained, unless and until the learned Judicial Magistrate entertains the DVC has no jurisdiction.

2.It is not in dispute that the 1st respondent was / is in the domestic relationship with the 4th respondent and the 4th respondent is the son of the petitioners 1 & 2 and the brother of the petitioners 3 & 4.

3.The remedy in such a case is for the petitioners to move the learned Judicial Magistrate at Ambattur, and seek for, striking off their names from the array of parties. In case, the strike off petition goes against them, they can



always prefer an appeal to the Court of Sessions. Even if that appeal goes against them, they can approach this Court by way of revision under Article 227 of the Constitution of India. Therefore, I am not inclined to entertain this revision to quash the Domestic Violence Petition. It is open to the petitioners to file an appropriate application to strike off their names from the array of parties as decided by the Full Bench of this Court.

4.I notice that, the petitioners 1 & 2 are senior citizens and they have also initiated proceedings against their son, 4th respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The learned counsel for the petitioners pleads that the summons have been issued in a mechanical manner. It is for the petitioners to convince the learned Judicial Magistrate about the attendant circumstances and plead that the Domestic Violence Complaint is a counter blast to the proceedings initiated by them.

5.Considering the previous dispute, the age and relationship of the petitioners with the 1st respondent, their appearance is dispensed with. They shall however appear whenever they are so directed by the learned Judicial



C.R.P. (PD) .No.4557 of 2024

Magistrate or when their presence is indispensable.

WEB COPY

6.With the above observations, this Civil Revision Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

15.11.2024

krk

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

To

The Judicial Magistrate,
Ambattur.

V.LAKSHMINARAYANAN, J.



WEB COPY



C.R.P. (PD) .No.4557 of 2024

krk

C.R.P.(PD).No.4557 of 2024

15.11.2024