



WEB COPY



CRP No. 15 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM

THE HON'BLE MR. JUSTICE V. LAKSHMINARAYANAN

C.R.P. No. 15 of 2023

&

C.M.P. No. 131 of 2023

1. Saraswathi
2. Saravanan ..Petitioners

Vs.

Mrs. Sowmiya ..Respondent

Prayer: Revision under Article 227 of the Constitution of India to call for the records of DVC No. 111 of 2022 on the file of Additional Mahila Court at Egmore, Chennai and quash the same.

For Petitioners :: Mr.K.P. Chandrasekaran

For Respondent :: Mr.M. Udaiya Banu

O R D E R

This Civil Revision Petition seeks to quash DVC No. 111 of 2022 on the file of Additional Mahila Court, Egmore.



CRP No. 15 of 2023

2. The relationship between the parties is not in dispute. The 1st petitioner before this Court is the mother-in-law and the 2nd petitioner is the husband of the respondent. The domestic relationship between the 2nd petitioner and the respondent is not in dispute.

3. A reading of Form I relating to Domestic Incident Report in terms of Sections 9(b) and 37(2)(c) of The Protection of Women from Domestic Violence Act, 2005 read with Rules 5(1) and 17(3) of the Rules framed thereunder shows that specific allegations have been made against Saraswathi, mother in law of the respondent and physical violence has been alleged against Saravanan, the 2nd petitioner/husband of the respondent.

4. Mr.K.P. Chandrasekaran, learned counsel for the petitioners would submit that the allegations are all false. The incidents alleged to have occurred in 2019 and 2021, as stated in the petition, never took place.

5. I am afraid that sitting in revisional jurisdiction under Article 227 of the Constitution of India, I cannot appreciate evidence or come to a categorical conclusion that the allegations made in the complaint are false, which is a matter that



CRP No. 15 of 2023

has to be gone into by the Additional Mahila Court, Egmore, after recording of evidence. This Court has the power to quash a complaint only when the complaint is an abuse of process of law or reading of complaint does not disclose a cause of action as contemplated under the Act. That not being the situation, I am not inclined to quash the complaint.

6. However, taking into consideration that the 1st petitioner is the mother in law and nearly a senior citizen, I am inclined to dispense with her appearance before the Additional Mahila Court, Egmore. The 1st petitioner need not appear for every hearing before the Additional Mahila Court, Egmore, but only for those hearings where her appearance is necessary and indispensable. For other hearings, she will be represented by a counsel. It is made clear that the exemption that has been granted to the 1st petitioner will not enure to the benefit of the 2nd petitioner.

7. The Civil Revision Petition stands dismissed with the above observation. No costs. Connected C.M.P.is closed.

07.06.2024

nv

To

The Additional Mahila Court,
Egmore, Chennai.



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V. LAKSHMINARAYANAN,J.

nv

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