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C.R.P.(PD)No.4560 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.11.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4560 of 2024
and CMP Nos.25398 and 25399 of 2024

1.Mrs.Uthayavani
2.K.V.Ragu
3.Mrs.Amudha

... Petitioners

VS

1.Mrs.Baby Girija
2.Mr.Surendar

.... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to quash the proceedings in DVC No.21 of 2024 on the file of Judicial Magistrate, Ambattur.

For Petitioner : Mr.D.Gopinathan

ORDER

The civil revision petition seeks to strike off Domestic Violence Case No.21 of 2024 on the file of Judicial Magistrate, Ambattur.



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2. A Full Bench of this Court in *Arul Daniel vs Suganya, 2022 SCC*

Online Mad 5435 held that a revision to quash the Domestic Violence proceedings under Article 227 of the Constitution of India should not be restored unless and until the Judicial Magistrate, who has entertained the Domestic Violence Case, has no jurisdiction to do so. In such case, the remedy for the party is to approach the concerned Judicial Magistrate and seek for striking off their names from the array of parties.

3. The relationship between the respondents 1 and 2 having been admitted, I cannot hold that the learned Judicial Magistrate has no jurisdiction to entertain the petition under Section 12 of Domestic Violence Act.

4. Leaving it open to the petitioners to approach the concerned Judicial Magistrate and seek for striking off their names from array of parties, the Civil Revision Petition is dismissed.

5. A perusal of the petition shows that the 2nd and 3rd petitioners are aged and they are the parents of the second respondent. Taking into consideration of



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the relationship that they share with the first respondent, I am inclined to dispense with their appearance alone. They shall however be represented through a counsel on all hearing dates. They shall present themselves before the Court when their presence is indispensable. This benefit shall not enure in favour of the first petitioner and the second respondent.

18.11.2024

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
sr

To
The Judicial Magistrate, Ambattur



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V.LAKSHMINARAYANAN,J.,

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