



C.R.P[PD].No.4781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.[PD]No.4781 of 2024
and C.M.P.Nos.26753 & 26754 of 2024

1.NayoomBasha

2.RawoofBasha

3.Hussaina Bee

4.NaseraBanu

5.Mohamed Ismail

6.NasemaBanu

.. Petitioners

Vs.

M.Vazifa

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to strike of the proceedings in D.V.C.No.15 of 2024 on the file of the District Munsif Cum Judicial Magistrate Court, Pallavaram.

For Petitioners : Mr.Sivakumar



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ORDER

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This Civil Revision Petition seeks to strike off the proceedings in Domestic Violence Case in D.V.C.No.15 of 2024, on the file of the learned District Court, Pallavaram.

2.The relationship between the parties is not in dispute. The 1st petitioner married the sole respondent and from the wedlock, a child was born. A domestic violence case has been initiated in D.V.C.No.15 of 2024, before the learned District Court, Pallavaram against the petitioners. In this Civil Revision Petition, the petitioner pleads that the allegations levelled against them do not attract the provisions of Domestic Violence Act.

3.A Full Bench of this Court in the case of *Arul Daniel and Others Vs. Suganya, 2022 [6] CTC 833*, held that the remedy for a person, who feels he/she has been improperly impleaded as a party to the proceedings, is only to approach concerned Court and move an application to strike off their names from the array of parties. A Civil Revision Petition, under Article 227 of the Constitution of India, to quash the proceedings is not maintainable,



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unless the concerned learned Judicial Magistrate does not have jurisdiction at all.

4.The relationship between the 1st petitioner and the sole respondent having been admitted and one can conclude that there exists a domestic relationship. Hence, this Court cannot come to the conclusion that the Judicial Magistrate is totally devoid of the jurisdiction. Following the Full Bench order of this Court (cited supra), the Civil Revision Petition stands dismissed.

5.It is left open to the petitioners to approach the learned Judicial Magistrate and file an application, seeking to strike off their names from the proceedings. In the event, the application is dismissed, they are entitled to move to the Court of Sessions and thereafter, approach this Court by way of the Civil Revision Petition under Article 227 of the Constitution of India.

6.I notice that the respondents 2 to 6 are in-laws of the sole respondent. The petitioners 2 and 3 are parents-in-law of the sole respondent



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and the petitioners 4 and 6 are the sisters-in-law of the sole respondent.

They are living separately from the 1st petitioner and the 5th petitioner happens to be the husband of the 4th petitioner (i.e) brother in law of the 1st petitioner.

5.Taking into consideration the relationship of the parties, the appearance of the petitioners 2 to 6 is dispensed with. They shall, however, be represented by a counsel before the learned Judicial Magistrate on all dates of hearing. They shall present before the Court whenever the Judicial Magistrate passes an order specifically calling upon them to appear or when their presence is indispensable.

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Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order



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To:
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The District Munsif Cum Judicial Magistrate Court,
Pallavaram.



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V.LAKSHMINARAYANAN, J.

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