



C.R.P. (PD) No.5160 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.5160 of 2024
and C.M.P.No.28922 of 2024

R.Chitra

.. Petitioner

Versus

1.S.Pushpalatha

2.R.Saravanan

3.R.Dhanabagyam

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to quash the petition in D.V.A. No. 39 of 2024 pending before the learned Additional Mahila Court, Erode.

For the Petitioners : Mr.S.Silambanan Senior Counsel,
Mr.M.Babu Barveez

ORDER

This civil revision petition challenges the presentation of DVC.No.39 of 2024 on the file of the Additional Mahila Court at Erode.



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2. The civil revision petitioner is the third respondent in the aforesaid domestic violence case.

3. The first respondent married the second respondent. The third respondent is the mother-in-law and the civil revision petitioner is the sister-in-law of the petitioner. This discloses that there exists domestic relationship between the first and second respondents.

4. Mr.S.Silambanan contends that the civil revision petitioner is married and settled in Chennai with her husband. She states that the civil revision petitioner did not meet the first respondent, except for four occasions, in her entire life. He adds that the first and second respondent post their marriage left for the United States of America and on their return, stayed in Erode and there was minimal or no interaction between the civil revision petitioner and the first respondent for her to be visited with the domestic violence summons.



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5. A Full Bench of this court in *Arul Daniel and Others Vs. Suganya, 2022 [6] CTC 833*, held that this court should not interfere by way of revision under Article 227 of the Constitution of India to quash a Domestic Violence Complaint, unless and until, the learned Judicial Magistrate did not possess jurisdiction to entertain the same.

6. When the domestic relationship between the first and second respondents is conceded, I cannot come to a conclusion that the learned Judicial Magistrate did not have jurisdiction to entertain the complaint.

7. The Full Bench gave a solution for a party, who feels he/she has been wrongly impleaded as a party to a domestic violence complaint. The solution being that such a person can move an application before the learned Judicial Magistrate trying the proceeding and seek for striking off their name from the array of the parties.

8. From the cause title, I am able to see that the civil revision petitioner is a resident of Nanganallur, Chennai. When she is taking care of her family, it



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would be difficult for her to present herself before the Additional Mahila court at Erode for all the hearings. Therefore, her presence before the Additional Mahila Court at Erode is dispensed with. She shall be represented by a counsel for all the hearing dates. She shall present herself before the court when her presence is indispensable or when the Magistrate passes an order in writing, specifically calling upon the civil revision petitioner to be present.

9. Leaving that option open to the civil revision petitioner, this civil revision petition stands dismissed, with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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To

The Additional Mahila Court, Erode.



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V.LAKSHMINARAYANAN, J.

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