



C.R.P. (PD) No.47 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.47 of 2024

1.Anu @ Cannaguy
2.Venkatachalapathy

.. Petitioners

Versus

1.Keerthana
2.V.Viknesh

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the D.V.C.No.38 of 2023 pending on the file of the Additional Mahila Court, Alandur and quash the same.

For the Petitioners : Mr.A.Kripakaran

For the Respondents : Ms.Rohini Ravikumar for R1

ORDER

This Civil Revision Petition seeks to quash the domestic violence complaint instituted in D.V.C.No.38 of 2023 on the file of the Additional Mahila Court, Alandur.



C.R.P. (PD) No.47 of 2024

WEB COPY

2. The Full Bench of this Court in *Arul Daniel and Others Vs. Suganya*, (2022 [6] CTC 833) has laid down that if a person is aggrieved by the initiation of proceedings under the Domestic Violence Act, the appropriate remedy is only to approach the very same Court which deals with the Domestic Violence complaint and file an application for strike of. The Full Bench further held that if the strike of petition goes against the applicant, the remedy is to prefer an appeal against the said order before the jurisdictional sessions Court. In an unfortunate event, the Sessions Court also goes against the applicant, the remedy is available under Article 227 of the Constitution of India. The Full Bench in clear and categorical terms held that unless and until the learned Magistrate lacks inherent jurisdiction, a petition under Article 227 of the Constitution of India should not be ordinarily entertained.

3. In the light of the above Judgment of the Full Bench, this Civil Revision Petition stands dismissed. Liberty is granted to the petitioner to urge all the points raised in this petition before the learned Magistrate.



C.R.P. (PD) No.47 of 2024

WEB COPY

4. At this stage, Mr.Kirubakaran, submits that the 1st petitioner is a Government servant and the petitioners are permanent residents of Puducherry. Hence, he seeks for dispense with the personal appearance before the learned Additional Mahila Judge, Alandur.

5. Ms.Rohini Ravikumar does not have any objections if the presence of the petitioners are dispensed with, on the condition that they shall appear whenever their presence is essential.

6. Taking into consideration both the pleas, I am inclined to dispense with the personal appearance of the petitioners alone before the learned Magistrate for the proceedings in D.V.C.No.38 of 2023 on the file of the Additional Mahila Court, Alandur. They shall be represented on all dates of hearing by a counsel. They shall present themselves before the Court whenever the Magistrate so directs or when their presence is indispensable. No costs. Consequently, the connected miscellaneous petition is closed.

18.10.2024



C.R.P. (PD) No.47 of 2024

Jer

V.LAKSHMINARAYANAN, J.,

Jer

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

To
The Judge
Additional Mahila Court, Alandur.

Civil Revision Petition (PD) No.47 of 2024

18.10.2024