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C.R.P.(PD)No.4919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4919 of 2024

Thahira Begum Anwar

.. Petitioner

Vs

Waseem Mohammed

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to D.V.A.No.38 of 2024 on the file of the Special Court for Protection of Domestic Violence against Women, Coimbatore and strike out the petitioner name from its file and the same as abuse of process of law.

For Petitioner : Mr.K.Sudhakar

### **ORDER**

This civil revision petition seeks to quash the proceedings in D.V.A.No.38 of 2024 on the file of the Special Court for Protection of



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Domestic Violence against Women, Coimbatore in so far as the civil revision petitioner is concerned.

2.The respondent had filed D.V.A.No.38 of 2024. The civil revision petitioner is the 2<sup>nd</sup> respondent. A perusal of the papers shows that the civil revision petitioner is the mother of one Syed Parvez Anwar/1<sup>st</sup> respondent in DVA and the mother-in-law of the respondent. The respondent had impleaded the other relatives as respondents 3 & 4 in DVA. The learned Trial Judge, at the time he took the papers on to his file, passed an order finding *prima facie* case as against respondents 1 & 2 alone in D.V.A.No.38 of 2024. He dropped the proceedings against others. This order has not been challenged by the 2<sup>nd</sup> respondent.

3.A reading of the complaint shows that allegations have been made against the 1<sup>st</sup> and 2<sup>nd</sup> respondents in the D.V.A. proceedings. Mr.K.Sudhakar pleads that the civil revision petitioner/mother is residing in Udumalpet, whereas the sole respondent is residing along with her husband in Coimbatore. He states that the petitioner has nothing to do with the affairs that had taken place between the respondent and her husband.



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4.Two things stand in the way of Mr.K.Sudhakar. The first is the order passed by the learned Judicial Magistrate, DVA Court, Coimbatore.

He found a *prima facie* case against the civil revision petitioner and initiated the proceedings. Apart from that, it is also seen that specific allegations have been levelled against the civil revision petitioner in the DVC petition. In case, the civil revision petitioner feels that she has been improperly impleaded, her remedy is to move an application to strike off her name from the array of parties before the Trial Court itself in terms of the judgment of a Full Bench of this Court in ***Arul Daniel v. Suganya, (2022) SCC OnLine Mad 5435***. Hence, I am not inclined to entertain this revision.

5.Therefore, this civil revision petition stands dismissed with the following directions:

(i) The civil revision petitioner is aged about 70 years. Taking into consideration her age and relationship with the sole respondent, her appearance before the Special Court for Protection of Domestic Violence against Women, Coimbatore is dispensed with.



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(ii) She shall, however, be represented by a counsel on all hearing dates. She shall present herself before the Court when so directed by the Special Court or when her appearance is essential.

(iii) Reading the allegations in the petition, in case learned Judicial Magistrate, DVA Court at Coimbatore feels that there is possibility of settlement between the parties, he may refer them to the District Mediation Centre attached to the District Court in Coimbatore.

There shall be no order as to costs.

**17.12.2024**

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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The Special Court for Protection of  
Domestic Violence against Women,  
Coimbatore.



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**V. LAKSHMINARAYANAN,J.**

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