



WEB COPY



C.R.P.(PD)No.223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.223 of 2024 and
C.M.P.No.19059 of 2024 & 1058 of 2024

1.S.Karthick

2.G.Kousalya Sethunarayanan

3.Sethunarayanan

.. Petitioners

Vs

V.Subbulakshmi

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to D.V.C.No.45 of 2023 pending on the file of the Additional Mahila Court, Alandur and strike off the name of the petitioners.

For Petitioners : Mr.T.C.S.Raja Chockalingam
for Mr.M.Mariappan

For Respondent : Ms.Rohini Ravikumar

ORDER



C.R.P.(PD)No.223 of 2024

This is a revision seeking to quash the domestic violence complaint initiated by the respondent before the Additional Mahila Court at Alandur in D.V.C.No.45 of 2023.

2. Heard the learned counsel for the civil revision petitioners and the learned counsel for the respondent. I have gone through the records.

3. A Full Bench of this Court in *Arul Danial v. Suganya, (2022) SCC OnLine Mad 5435* has held that a revision to strike off a domestic violence complaint under Article 227 of the Constitution of India is not maintainable unless and until the learned Judicial Magistrate, who entertains the complaint, has no inherent jurisdiction.

4. In this case, the relationship between the 1st civil revision petitioner and the sole respondent is admitted. They were married and were in a domestic relationship which produced two children. Therefore, the learned Judicial Magistrate does not lack the jurisdiction to entertain the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

5. At this stage, Mr.T.C.S.Raja Chockalingam for the civil revision



C.R.P.(PD)No.223 of 2024

petitioners points out that the allegations that have been made are utterly false. He alleges they have been made at the instance of a third party to the marriage. Whether the arguments made by Mr.T.C.S.Raja Chockalingam are true or false are matters, which have to be gone into only at the time of trial.

6. If the respondents in the domestic violence petition feel that they have been unnecessarily dragged into the litigation before the learned Judicial Magistrate at Alandur, as held by the Full Bench, their appropriate remedy is to file an application to strike off their names from the array of parties. If a strike off petition goes against them and so does the appeal under Section 29 at the Court of Sessions, they are always at liberty to approach this Court by way of revision under Article 227.

7. Mr.T.C.S.Raja Chockalingam points out that civil revision petitioner Nos.2 & 3 are senior citizens, aged about 66 years and 74 years, respectively. They are the father-in-law and mother-in-law of the respondent. Considering their age and relationship, their presence before the learned Judicial Magistrate, Additional Mahila Court at Alandur, in D.V.C.No.45 of 2023 is dispensed with. They shall, however, be



C.R.P.(PD)No.223 of 2024

represented by a counsel on all the dates of hearing. They shall present themselves before the Court when their appearance is essential or when so directed by the learned Judicial Magistrate.

8. With the above observations, the civil revision petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

17.10.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

kj

To

The Additional Mahila Court, Alandur

V. LAKSHMINARAYANAN,J.



WEB COPY



C.R.P.(PD)No.223 of 2024

kj

C.R.P.(PD)No.223 of 2024 and
C.M.P.No.19059 of 2024
& 1058 of 2024

17.10.2024