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C.R.P.(PD)No.5040 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.5040 of 2024
and C.M.P.Nos.28261 & 28262 of 2024

Saranya

.. Petitioner

Vs

1.Santhosh Kumar Krishnamoorthy
2.Saraswathy
3.Krishnamoorthy
4.S.Hemamalini

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in D.V.C.No.65 of 2024 on the file of the Additional Mahila Court (Magistrate Level), Alandur and quash the same as against this petitioner, 4th respondent in the original complaint in D.V.C.No.65 of 2024.

For Petitioner : Ms.K.Sumathi

ORDER

This civil revision petition seeks for quashing of D.V.C.No.65 of 2024 on the file of the Additional Mahila Court (Magistrate Level), Alandur in so far as the petitioner is concerned.



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2.The relationship between the parties is not in dispute. The civil revision petitioner is the sister-in-law of the 4th respondent/complainant.

The 4th respondent married the brother of the petitioner, who is arrayed as a 1st respondent in this revision. The civil revision petitioner and the 1st respondent are siblings and they were born to the 2nd and 3rd respondents herein.

3.Pleading that the petitioner is a permanent resident of Coimbatore, having been settled there along with her husband, this petition has been presented stating that the allegations are false and the complainant ought not to be proceeded as against her.

4.A Full Bench of this Court in *Arul Daniel v. Suganya, (2022) SCC OnLine Mad 5435* has taken a view that, in case a person feels that he or she has been improperly impleaded as a party to the Domestic Violence Complaint, the remedy is to move an application for striking of their names from the array of parties. In case the strike off petition goes against them, the Full Bench has given an option, referring to Section 29 of the Domestic Violence Act, to prefer an appeal before the Court of Sessions and even if that fails, to approach this Court by way of a revision.



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5.Following the view of the Full Bench of this Court, I am not inclined to quash the proceedings, despite the vehement pleas of Ms.K.Sumathi. I note that the 1st petitioner is said to be residing at Kallimadai in Coimbatore. The case has been initiated in Additional Mahila Court at Alandur. Hence, her appearance before the Mahila Court is dispensed with. C.M.P.No.28261 of 2024 is ordered accordingly. She shall, however, be represented by a counsel on all the dates of hearing. In the event, if the matter goes for trial, she shall present herself or when the Magistrate so directs by way of a specific order.

6. With the above observations, the civil revision petition stands dismissed. No costs. Consequently, C.M.P.No.28262 of 2024 is closed.

16.12.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

The Additional Mahila Court (Magistrate Level), Alandur.



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V. LAKSHMINARAYANAN,J.

Kj

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