



C.R.P. (PD) No.5118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.5118 of 2024
and C.M.P.Nos.28710 & 28711 of 2024

1.Amaresh
2.Nagomi
3.Mary
4.Aswini

.. Petitioners

Versus

Priya

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to quash the proceedings in DVC.No.1 of 2024 on the file of the Judicial Magistrate No.II, Arakkonam.

For Petitioners : Mr.C.Prabakaran

ORDER

This civil revision petition challenges the very presentation of DVC.No.1 of 2024 on the file of the learned Judicial Magistrate No.II, Arakkonam.



C.R.P. (PD) No.5118 of 2024

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2. This sole respondent married the first petitioner on 14.06.2021. Pleading that the wife had voluntarily left the matrimonial home on 05.01.2022, the first respondent presented DOP No.1452 of 2022 on the file of the XI Additional District Court at Tenali.

3. Mr.C.Prabakaran pleads that DOP was decreed on 26.04.2023. He points out that after the DOP was disposed of, the sole respondent presented DVC No.1 of 2024, containing false allegations. Hence, he pleads that the proceeding should be quashed.

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

5. When the domestic relationship between the first and second respondent is conceded, I cannot come to a conclusion that the learned Judicial Magistrate did not have jurisdiction to entertain the complaint. The Full Bench gave a solution for a party wrongly impleaded as a party to the domestic



C.R.P. (PD) No.5118 of 2024

violence case. The solution being that such a person can move an application before the learned Judicial Magistrate who is trying the proceeding and seek for striking off his/her name from the array of the parties.

6. Leaving it open to the petitioners to file an application to strike off their names from the array of the parties, before the Judicial Magistrate No.II, Arakkonam, **this civil revision petition is dismissed.** No costs. Consequently, the connected miscellaneous petitions are closed.

7. I notice that all the petitioners are the residents of Andhra Pradesh. Travelling from Tenali to Chennai itself would be a great task especially for the petitioners 2 to 4. The appearance of the petitioners 2 to 4 before the learned Judicial Magistrate No.II, Arakkonam is dispensed with. The petitioners 2 to 4 will be represented by a counsel on all the hearing dates. They shall appear before the court when the Magistrate specifically passes an order to that effect or when their presences is indispensable.

20.12.2024

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Index : Yes / No

Internet: Yes / No



C.R.P. (PD) No.5118 of 2024

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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C.R.P. (PD) No.5118 of 2024

V.LAKSHMINARAYANAN, J.

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To

1.The Judicial Magistrate No.II, Arakkonam.

Civil Revision Petition (PD) No.5118 of 2024

20.12.2024