



C.RP(MD)No.1788 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:26.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.1788 of 2023
and
C.M.P(MD)No.8904 of 2023**

1.Banurekha
2.S.Bose
3.Padmini
4.B.Alagu @ Parthipan
5.B.Bharathi Selvan
6.P.Paviya

..Petitioners/Respondents

Vs.

T.Divyas

..Respondent/Petitioner

Civil Revision Petition is filed under Article 227 of the Constitution of India, to quash the entire proceedings in D.V.C.No. 74 of 2023 on the file of the learned Judicial Magistrate, Additional Mahila Court, Trichy District, as for as the petitioners concerned.



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For Petitioner
For Respondent

:Mr.D.Anbarasu
:No appearance

ORDER

The Civil Revision Petition arises out of a strange petition under the Domestic Violence Act.

2.One T.Divya, the respondent herein has filed the domestic violence case against her brother's wife and the relatives of the brother's wife alone.

3.It is her case that she is not well and when the first respondent in the domestic violence case, namely Banurekha, was living in her matrimonial home, she in with the aid of the other respondents caused domestic violence against her and therefore, claiming compensation of a sum of Rs.50,00,000/-, the domestic violence complaint is filed. Firstly, it can be seen that in the domestic violence complaint a fanciful claim is made for Rs. 50,00,000/- against the brother's wife and the in-laws. Secondly, it



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is the case of the petitioner that even the brother of the said Divya, namely Senthil got married Banurekha and they were having their matrimonial home only in Chennai and they got separated on account of the disputes arising between them. Therefore, as a gross abuse of process of law, the present domestic violence case is filed and this Court should interfere in its extraordinary jurisdiction under Article 227 of the Constitution of India.

4. When notice was served and a counsel had appeared, now when the matter came up for final disposal, the learned counsel has submitted that she has returned back the papers to the party and she has got instructions. The respondent's name is also printed in the cause list. No other counsel has undertaken to appear on behalf of the respondent and the respondent is also not present before this Court as party-in-person.

5. The allegations as projected by the petitioner if accepted, certainly amounts to gross abuse of process of law and therefore,



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this is an extraordinary case where the Court has to invoke its jurisdiction under Article 227 of the Constitution of India, as the very continuation of proceedings and even directing the parties to avail the alternative remedy for defending the domestic violence proceedings before the trial Court would itself amount to injustice to the parties.

6.In view thereof, the Civil Revision Petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is also closed.

26.07.2024

NCC:Yes/No

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To

The Judicial Magistrate,
Additional Mahila Court,
Trichy District.



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D.BHARATHA CHAKRAVARTHY, J.

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