



CRP.No.1305 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025
CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI
CRP No. 1305 of 2024
and
CMP Nos.6908 & 6909 of 2024

1. Jawahar
S/o. Periyasamy,
Kurunkudi,
Kattumannarkoil Taluk,
Cuddalore District.

2. Rajathilagavathi
W/o. Jawahar,
Kurunkudi,
Kattumannarkoil Taluk,
Cuddalore District.

3. Subasree
W/o. Rajesh,
Kurunkudi,
Kattumannarkoil Taluk,
Cuddalore District.

4. Sasirekha
W/o. Gowthaman,
Valayalkara Street,
Kattumannarkoil Taluk,
Cuddalore District.

Petitioner(s)

Vs

1. Girija

1/11



CRP.No.1305 of 2024

W/o. Jagadheesh
D/o. Dhanaraj,
Main Road, Pappakudi,
Manalmedu Post,
Mayiladuthurai Taluk,
Mayiladuthurai District.

2.Jagadeesh
S/o. Jawahar
Kurunkudi,
Kattumannarkoil Taluk,
Cuddalore District.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the complaint made in D.V.C.No. 600028 of 2023, pending on the file of the Judicial Magistrate Court No.I, Mayiladuthurai District.

For Petitioner(s): Ms.Chenthoori Pugazendhi
for Mr.K.Balu

For Respondent(s): Mr.B.Jawahar for R1
R2- No appearance



CRP.No.1305 of 2024

ORDER

WEB COPY Heard Ms.Chenthoori Pugazendhi, learned counsel for the petitioners and Mr.B.Jawahar, learned counsel for the first respondent.

2. The petitioners are the in-laws and sisters-in-law of the first respondent, who is the wife of Jagadeesh/2nd respondent. It is seen that the marriage between the 1st and 2nd respondent took place on 27.01.2023 at Kattumannarkovil and within a period of two months, the 1st respondent has left the matrimonial home on 27.03.2023.

3. The learned counsel for the petitioners would state that the husband and wife have lived together only for two months and thereafter, the first respondent/wife left the matrimonial home. It is also the case of the petitioners that on 06.07.2023, the husband has lodged a complaint before the AWPS, Mayiladuthurai Police Station, stating that his wife is missing and necessary action would be taken at the end of the police official to ensure that his wife rejoins the matrimonial home.

4. It is the further contention of the petitioners' counsel, that on the very next day, as a counter blast, his wife has lodged a complaint making



CRP.No.1305 of 2024

WEB COPY

scandalous and vexatious allegations, not only against the husband but also the revision petitioners. Thereafter, the wife has filed a Domestic Violence Case (DVC) on 13.07.2023. The learned counsel for the petitioners take me through DVC and states that the allegations are vague and generic in nature and the first respondent has not chosen to give exact dates, on which the alleged incidents have occurred. Therefore, he submitted that absolutely no merit in the allegations made against the petitioners. He would further state even in DVC, there is no specific allegations made against the father-in-law, and sister-in-law/ 3rd petitioner, who admittedly has not lived in the same household. Further, he would state that the Domestic Violence Case itself is a counter blast of the police complaint lodged by the husband and therefore, it is motivated and deserves to be struck off from the file.

5. Per contra, the learned counsel for the first respondent would state that there is a serious allegation made against the mother-in-law and one of the sister-in-law namely, the 4th respondent, who resides in the same household and the first respondent/wife was forced to file a writ petition before this Court in W.P.No.305 of 2022 to even register the birth certificate



CRP.No.1305 of 2024

WEB COPY

of child, since the husband has not come forward to furnish his Aadhaar Card. He would further state that the Hon'ble Supreme Court as well this Court, held that there is no limitation for filing Domestic Violence Case, and in view of the grave allegations that are made in the Domestic Violence Case, the parties will have to necessarily undergo trial and no case has been made out to struck off the domestic violence case, as prayed for in this revision.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. On going through the domestic violence complaint and also the fact that the husband and wife resided in the same household only for two months, I do not find any specific allegations made against the father-in-law and the one of the sister-in-law, who is the 3rd petitioner, who does not reside in the same household, where the first respondent/wife resides along with her husband/2nd respondent between 27.01.2023 and 27.03.2023. Therefore, I do not know, how the Magistrate has taken cognizance of the complaint without proper appreciation of the facts, as against the father-in-law and sister-in-



CRP.No.1305 of 2024

WEB COPY

law, namely petitioners 1 and 3. However, insofar as the mother-in-law and another sister-in-law, namely petitioners 2 and 4, I find that, in the domestic violence complaint, there are serious allegations made as against these petitioners and there is no patent lack of jurisdiction that has also been shown on the side of the revision petitioners, to strike off the domestic violence case, at the threshold. Therefore, the petitioners 2 and 4 are to necessarily undergo trial and establish their contentions, by leading oral and documentary evidence, at the appropriate stage before the Judicial Magistrate Court No.I, Mayiladuthurai District.

8. In view of the above, the Civil Revision Petition is partly allowed, striking off D.V.C.No.600028 of 2023 on the file of Judicial Magistrate Court No.I, Mayiladuthurai District, insofar as the petitioners 1 and 3 alone. As against the petitioners 2 and 4, the DVC shall be proceeded in accordance with law. However, as held by Full Bench of this Court in the case of *Arul Daniel and others Vs. Suganya reported in [2022 SCC OnLine Mad 5434]*, the physical presence of the petitioners 2 and 4 shall not be insisted upon by the learned Judicial Magistrate, except where their presence would be necessary for recording the evidence. No costs. Consequently, connected



CRP.No.1305 of 2024

Miscellaneous Petitions are closed.

WEB COPY

13-08-2025

Jd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

The Judicial Magistrate Court No.I,
Mayiladuthurai District.



WEB COPY



CRP.No.1305 of 2024

P.B.BALAJI J.,
jd

CRP No. 1305 of 2024

13.08.2025



WEB COPY



CRP.No.1305 of 2024

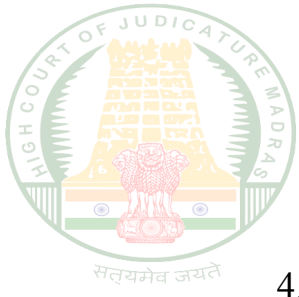
CRP.No.1305 of 2024
and
CMP.Nos.6908 & 6909 of 2024

P.B.BALAJI, J.

The matter is listed under the caption 'for being mentioned' today.

2. The learned counsel for the petitioner would invite the attention of this Court, that there is an inadvertent error occurred in the order dated 13.08.2025, in paragraph no.3 the police station mentioned as **AWPS, Mayiladuthurai Police Station**, instead it should be printed as **Senthiyathope Police Station** and in paragraph No.5, **W.P.No.305 of 2024** is wrongly typed as **W.P.No.305 of 2022**.

3. The learned counsel for the petitioner has also filed a memo regarding the corrections to be made in the order of this Court dated 13.08.2025. Same is taken on record.



CRP.No.1305 of 2024

WEB COPY

4. Accordingly, Registry is directed to make necessary corrections and issue a fresh order copy to the parties. The other portion of the order shall remains unaltered.

12.09.2025

jas



WEB COPY



CRP.No.1305 of 2024

P.B.BALAJI, J.

jas

CRP.No.1305 of 2024 and
CMP.Nos.6908 & 6909 of 2024

12.09.2025