



WEB COPY



CRP.No.863 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

Civil Revision Petition No. 863 of 2023

and

CMP.Nos. 6454 & 6455 of 2023

1.Annamalai (M/63)
S/o. Vethachelam

2.Mala (F/56)
W/o. Annamalai

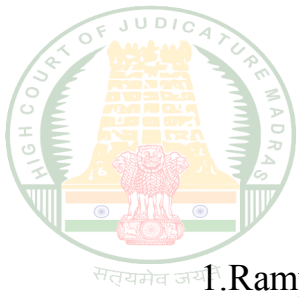
3.Manikandan (M/35)
S/o. Annamalai

Revision petitioners 1 to 3
are residing at No. 13/42, Chetty Street
Kumananchavadi
Poonamallee, Kundrathur Road
Chennai.

4.Sangeetha (F/30)
W/o.Palani
No.72, Sengunthar Street
VTC Palaseevaram
Palaseevaram
Kancheepuram District.

... Petitioners/Respondents 2 to 5

Versus



CRP.No.863 of 2023

WEB COPY

1.Ramya Devi (F/38)

W/o.Suresh

D/o.Natarajan

No.39/2, 11th Cross Street

New Street,

Cheyar

Tiruvannamalai District.

...1st Respondent/Complainant

2.Suresh (M/43)

S/o.Annamalai

No. 13/42, Chetty Street

Kumananchavadi

Kundrathur Road

Poonamallee

Chennai.

...2nd Respondent/Respondent

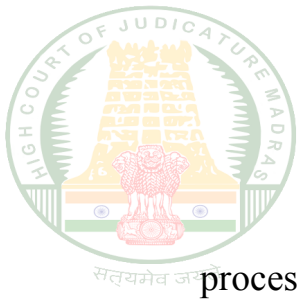
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to strike off the name of the respondents 2 to 5 in D.V.C.No. 10 of 2022 pending on the file of the learned Judicial Magistrate Court, Cheyyar and the same as abuse of process of law.

For Petitioners : Mr.M.Rajkumar

For Respondents : No Appearance

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to strike off the name of the respondents 2 to 5 in D.V.C.No. 10 of 2022 pending on the file of the learned 'Judicial Magistrate Court', Cheyyar and the same as abuse of



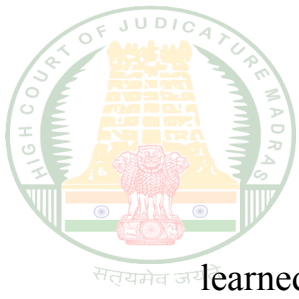
CRP.No.863 of 2023

process of law.
WEB COPY

2. The revision petitioners are the respondents 2 to 5 in D.V.C.No.10 of 2022. The revision petitioners 1 & 2 are inlaws of the first respondent and the revision petitioners 3 & 4 are the son and daughter of the revision petitioners 1&2. The 1st respondent herein/Complainant is the wife of the 3rd respondent herein. There is no dispute with regard to the relationship between the parties.

3. At this juncture, this Court deems fit to cite the Full Bench Judgment of this Court in *Arul Daniel -vs- Suganya*, reported in **2022 SCC Online Mad 5435**, wherein it was held that resort to a revision petition under Article 227 of the Constitution of India to quash the domestic violence proceedings should not be made unless the Judicial Magistrate has no inherent jurisdiction to entertain the Domestic Violence Case.

4. Coming back to the case on hand, as stated *supra*, the domestic relationship between the parties is admitted. Hence, in view of the averments made in the complaint, this Court is of the view that the



CRP.No.863 of 2023

WEB COPY

learned Magistrate has jurisdiction to entertain the case. Therefore, in view of **Arul Daniel's Case**, this Civil Revision Petition is not maintainable.

The revision petitioners are at liberty to file an application before the learned Magistrate concerned to strike off the name of the respondent Nos.2 to 5 in D.V.C.No. 10 of 2022 and in such a scenario, the learned Magistrate shall decide the same on merits in accordance with law *dehors* this Order. If the said application is dismissed, the next remedy available to the revision petitioners is an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005. And only over the Order passed therein, the revision petitioners can prefer a Civil Revision Petition by invoking Article 227 of the Constitution of India. Hence, this Civil Revision Petition is liable to be dismissed.

5. That apart, the learned Counsel for the revision petitioners prayed this Court to direct the learned Magistrate to dispense with the personal appearance of the revision petitioners 1&2 before the learned Magistrate considering their age.



CRP.No.863 of 2023

WEB COPY

5.1. The revision petitioners are at liberty to raise the said request before the learned Magistrate who is to consider the matter, bearing in mind the fact that the revision petitioners 1&2 are the inlaws of the 1st respondent herein, who aged about 63 and 56.

6. The Hon'ble Supreme Court in *High Court Bar Association, Allahabad -vs- State of U.P. [Neutral Citation : 2024 INSC 150]*, has held that Constitutional Courts shall issue directions for time bound disposal of case to other courts only in exceptional circumstances. However, considering the age of the revision petitioners 1&2, the learned Magistrate may dispose of the case in an expeditious manner and both parties are directed to co-operate with the learned Magistrate for the same.

7. With the above observations, the Civil Revision Petition is dismissed. In view of the facts and circumstances of this case, there shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

10.01.2025

MSM



WEB COPY



CRP.No.863 of 2023

To:

The Judicial Magistrate Court, Cheyyar.



WEB COPY



CRP.No.863 of 2023

R. SAKTHIVEL, J.

MSM

Civil Revision Petition No. 863 of 2023

10.01.2025