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C.R.P.No.2278 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.2278 of 2024

1.Varadarajan (Died)
2.Nirmala Devi .. Petitioners

Versus

1.S.Abilakshmi
2.V.Manoj Prabhu
3.V.Vijay Anand
4.V.Pichammal .. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the impugned complaint in DVC. No.18 of 2024 on the file of the Judicial Magistrate No.1, Puducherry.

For Petitioner 2 : Ms.S.Jeevitharaman

For Respondent : Mr.S.C.Pratheep Ashok Kumar

For Respondent 2 : Mr.C.S.K.Sathish

For Respondents
3 & 4 : Ms.L.Karthiga

ORDER

This civil revision petition seeks to quash DVC.No.18 of 2024 on the



file of the Judicial Magistrate Court No.1 at Puducherry.

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2. The petitioners are the father in law and mother in law of the first respondent. Pending this revision, the first petitioner expired.

3. A Full Bench of this Court in *Arul Daniel and Others Vs. Suganya, 2022 [6] CTC 833* has laid down that if a person is aggrieved by the initiation of proceedings against him/her under the Domestic Violence Act, the appropriate remedy is only to approach the very same court which deals with the Domestic Violence complaint and file an application to strike off the name of the said persons from the array of parties. The Full Bench further held that if the strike off petition goes against the applicant, the remedy is to prefer an appeal against the said order before the jurisdictional Sessions Court. In case, the Sessions Court also goes against the applicant, the remedy is available under Article 227 of the Constitution of India. The Full Bench, in clear and categorical terms, held that unless and until the learned Magistrate lacks inherent jurisdiction, a petition under Article 227 of the Constitution of India should not be ordinarily entertained.

4. I have to note that the first petitioner has already passed away.



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Hence, no orders can be passed in favour of the first petitioner. Insofar as the second petitioner is concerned, she is at liberty to file an application to strike off her name from the array of parties before the Judicial Magistrate No.1 at Puducherry.

5. With the above observation, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

24.01.2025

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

1.The Judicial Magistrate Court No.1, Puducherry

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V.LAKSHMINARAYANAN, J.

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