



CRP No.1985 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :02.07.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.1985 of 2025 and CMP Nos.11422 and 11425 of 2025

1.Viswanathan
2.Karthika
3.Hariprasad

... Petitioners

VS

Gayathri

.. Respondent

Revision filed under Article 227 of the Constitution of India to call for the records pertaining to DVC No.10 of 2024 pending on the file of Judicial Magistrate, Sathiyamangalam and strike off the name of the petitioners on the ground of abuse of process of law.

For Petitioners : Mr.K.Sudhakar

For Respondent : Mr.SMS Shriram Narayanan

ORDER

The petitioners are father-in-law, mother-in-law and brother-in-law of the respondent. The respondent is the wife of one Premkumar and their marriage was celebrated on 19.02.2018 and a girl child was born on 09.04.2019. The



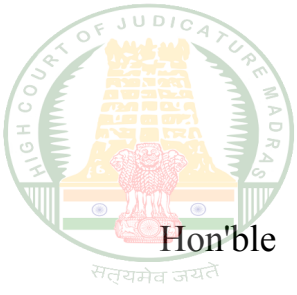
CRP No.1985 of 2025

respondent/wife filed HMOP No.2 of 2020 against Premkumar/husband on 03.01.2020. The husband of the respondent/wife did not choose to contest the said proceedings and ultimately, a decree for divorce was granted on 31.03.2021. After a lapse of two years and more, the respondent/wife has filed a complaint under the Domestic Violence Act against the revision petitioners herein.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioners would submit that nowhere in HMOP No.2 of 2020, there has been any allegation against the present revision petitioners herein. Further, at no point of time, the respondent/wife lived with the revision petitioners and after marriage, respondent/wife moved with her husband to New Delhi and therefore, it is a false claim and the allegations are vexatious and the complaint given under Domestic Violence Act is sought to be struck off.

4. Per contra, learned counsel for the respondent/wife would submit that even in HMOP No.2 of 2020, there is a specific allegation of dowry claim made by the husband and husband's family. Learned counsel further submits that the

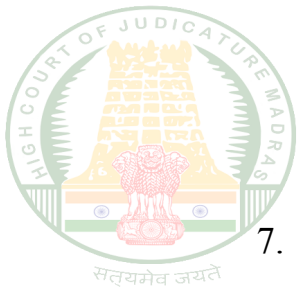


CRP No.1985 of 2025

WEB CRP Hon'ble Supreme Court has also held that there can be no limitation for initiation of a complaint under the Domestic Violence Act. Learned counsel would therefore state that serious allegations are made against all the revision petitioners and therefore, no case has been made out for invocation of the special and discretionary relief under Article 227 of the Constitution of India and prays for dismissal of the revision.

5. I have gone through the complaint filed under Domestic Violence Act and also carefully considered the submissions advanced by the learned counsel on either side.

6. As rightly contended by the learned counsel for the respondent/wife, even in HMOP No.2 of 2020, specific allegation regarding dowry harassment has been pleaded. Further, in the Domestic Violence complaint also, specific allegations have been made against all the petitioners, viz., the father-in-law, mother-in-law and brother-in-law. All these issues are necessarily to be tried before the learned Judicial Magistrate Court and a complaint cannot be taken off file, only on the ground of delay or accepting the self serving statement of the petitioners that the respondent/wife never lived with the revision petitioners.



CRP No.1985 of 2025

7. These are all question of facts which can be decided only by the Magistrate Court, after trial. Therefore, I do not see any case made out to strike off the names of the revision petitioners in the complaint given under Domestic Violence Act.

8. At this juncture, learned counsel for the revision petitioners sought for dispensing with the presence of the petitioners for all the hearings before the Magistrate Court.

9. Considering the fact that the petitioners 1 and 2/father-in-law and mother-in-law are aged and also residing at Kerala and the third petitioner, who is the brother-in-law of the respondent is also residing at Kerala, I am inclined to dispense with the personal appearance of the revision petitioners before the Magistrate Court, unless and their presence is required for the purposes of their examination (chief and cross). At all the other hearings, they shall be permitted to be represented through counsel.

10. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, CMP No.11422 of 2025 is closed and CMP No.11425 of 2025, filed to dispense with the personal appearance of the petitioners in DVC No.10



CRP No.1985 of 2025

of 2024 before the Magistrate Court, Sathiyamangalam, is allowed.

WEB COPY

02.07.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

The Judicial Magistrate, Sathyamangalam



WEB COPY



CRP No.1985 of 2025

P.B.BALAJI.,J.

sr

C.R.P.No.1985 of 2025

02.07.2025