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C.R.P.(PD).No.1154 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.R.P.(PD).No.1154 of 2023

and

C.M.P.Nos.8027 and 8030 of 2023

1.P.Nagarajan

2.N. Premalatha

...Petitioners/Respondents 2 and 3

Vs.

1.S. Lohitha

2.N. Sakthi Balaji

...Respondent/Petitioner

...Respondent/1st Respondent

Note:

2nd respondent is not a necessary party in CRP proceedings Hence, the 2nd respondent is given up in the present proceedings.

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the complaint against the petitioners dated March 18, 2022 made in D.V.C.No.45 of 2022 on the file of the 'Special Judicial Magistrate to try cases under Domestic Violence Act, Coimbatore' by allowing this Civil Revision Petition.

For Petitioners : Mr.C.M.Arumugam

For Respondents : Ms.S.Akila for R1



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ORDER

The Civil Revision Petition has been filed praying to set aside the complaint against the petitioners dated March 18, 2022 made in D.V.C.No.45 of 2022 on the file of the 'Special Judicial Magistrate to try cases under Domestic Violence Act, Coimbatore' (hereinafter referred as the Trial Court).

2.The revision petitioners herein are the respondent Nos.2 and 3 in the D.V.C.No.45 of 2022 on the file of the Trial Court. The 2nd respondent herein is the husband of the 1st respondent herein and the revision petitioners are the father and mother of the 2nd respondent herein. The marriage between the respondents herein was solemnized on 15.12.2019. Out of the marriage, one male child was born to them. The 1st respondent herein has filed D.V.C.No.45 of 2022 before the Trial Court, against the 2nd respondent and the revision petitioners seeking protection under Section 12, Residence Order under Section 17 and Return of article under Section 19, Maintenance under Section 20 and Compensation under Section 22 of the Protection of Women from Domestic Violence Act, 2005. The said DVC was filed on March 10, 2022.



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3.Mr.C.M.Arumugam, learned counsel appearing for the revision petitioners would submit that the revision petitioners herein are the father and mother of the 2nd respondent. It is submitted that there is a matrimonial dispute between the respondents, and the revision petitioners are no way connected in this case. Since the revision petitioners are the father and mother of the 2nd respondent, the 1st respondent with an vindictive motive has initiated the aforesaid DVC case falsely against them as well. Further, he submits that the revision petitioners and the 2nd respondent have not committed any domestic violence against the 1st respondent as described in the petition. Hence, he seeks the relief as prayed for.

4.*Per contra*, Ms.S.Akila, learned counsel appearing for the 1st respondent would submit that the revision petitioners and the 2nd respondent have committed domestic violence against the 1st respondent. Hence, there is no need to set aside the D.V.C.No.45 of 2022 and prays to dismiss the Civil Revision Petition.

5.Having considered the facts and circumstances of the case and the submissions made on either side, this Court is of the view that this is not a fit case for quashing the case *qua* respondents Nos.2 and 3. This Court has perused



the petition in D.V.C.No.45 of 2022; it is seen that the 2nd respondent is the husband of the 1st respondent and the revision petitioners are the father and mother of the 2nd respondent. In view of the domestic relationship, the 1st respondent has initiated the DVC.No.45 of 2022 against her husband/2nd respondent herein and his family members alleging cruelty. As of now, the said DVC.No.45 of 2022 is at the stage of trial which is pending since 2022 before the Trial Court. The question about the truthfulness of the allegations raised by the 1st respondent *qua* revision petitioners can only be decided after full trial. The revision petitioners have not made out a case for quashing the Domestic Violence Case. Hence, this Court is not inclined to allow the Civil Revision Petition.

6.However, this Court is of the view that the presence of the revision petitioners is not necessary unless the Trial Court specifically directs them to appear. Hence, this Court directs the learned Special Judicial Magistrate to try cases under Domestic Violence Act, Coimbatore, not to insist on the presence of the revision petitioners at each and every hearing except when their presence is deemed necessary for progress of the proceedings. In other words, the personal appearance of the revision petitioners before the learned Special Judicial Magistrate to try cases under Domestic Violence Act, Coimbatore, hereby stands



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dispensed with, however, the Magistrate may order for their appearance when he/she deems fit and necessary.

7.Considering the age of the revision petitioners, the Trial Court is hereby directed to dispose of the case in DVC.No.45 of 2022, expeditiously.

8.With the aforesaid observations, the Civil Revision Petition is dismissed. In view of the facts and circumstances, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed.

25.10.2025

Index :Yes/No
Speaking order :Yes/No
Neutral citation :Yes/No
mps

To

1.The Judicial Magistrate to Try Cases
under Domestic Violence Act,
Coimbatore.

2.The Section Officer,
VR Section,
Madras High Court.



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R. SAKTHIVEL, J.

mps

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