



CRP.No.4674 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.4674 of 2023
and
CMP.Nos.27773 & 27774 of 2023

B.Selva Murugan

...Petitioner

Vs.

Nandhini

...Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, to strike off the complaint in DVC.No.09 of 2023 on the file of the learned Judicial Magistrate of Mettupulayam.

For Petitioner : Mr.P.Vetrivel

For Respondent : Mr.S.Najimudeen

ORDER

This revision petition has been filed challenging the domestic violence complaint instituted by the respondent in DVC.No.09 of 2023 before the learned Judicial Magistrate, Mettupulayam.



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3. The primordial ground on which the domestic violence complaint is sought to be struck off is that, on the date of marriage between the petitioner and the respondent, the respondent was already married to another person and the petitioner was made to believe that the respondent had already obtained divorce from the competent court and that she was, therefore, legally competent to marry the petitioner.

4. However, the fact that the petitioner has married the respondent on 29.08.2022 is not disputed. Even in the present revision, in the affidavit filed in support of the application for stay, the petitioner admits that the marriage was solemnised on 29.08.2022 and that the petitioner and the respondent lived together as husband and wife. Thereafter, the respondent has proceeded to lodge the present domestic violence complaint against the petitioner.



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5. On perusal of the domestic violence complaint, it can be seen that the allegations have been made not only regarding the physical abuse, but also financial and mental abuse. Such factual aspects cannot be decided in the present revision under Article 227 of the Constitution of India and the parties will have to undergo trial and have to establish their respective contentions before the learned Judicial Magistrate, Mettupulayam.

6. It is also brought to my notice that the petitioner has not filed any response for the domestic violence complaint till date, despite there being no order of stay granted in this revision. In fact, it is the specific submission of the learned counsel for the respondent that the petitioner has been set *exparte* in the domestic violence complaint for not filing counter.

7. In the light of the above and also considering that the domestic violence complaint contains allegations that have to be gone into only after the parties are directed to lead evidence and not at this stage, I am not inclined to entertain the present revision.



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8. Accordingly, this Civil revision stands disposed of in the following manner:-

(i) The *exparte* order passed by the Judicial Magistrate, Mettupulayam is set aside.

(ii) The petitioner shall be entitled to file counter within a period of three weeks from the date of receipt of a copy of this order and thereafter, the Judicial Magistrate, Mettupulayam shall try the complaint on merits and in accordance with law, after affording fair and equal opportunities to both the parties and thereafter shall dispose of the domestic violence complaint in DVC.No.9 of 2023 finally within a period of four (4) months.

(iii) It is open to the petitioner to canvass his objections with regard to the validity of the marriage before the learned Judicial Magistrate, Mettupulayam.

(iv) The physical appearance of the petitioner shall not be insisted upon by the learned Judicial Magistrate, Mettupulayam during all



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hearing dates, except where it would be absolutely necessary, for the purposes such as examination in chief and cross.

(v) There shall be no orders as to costs. Consequently, the connected Miscellaneous petitions are closed.

19.08.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To

The Judicial Magistrate,
Mettupulayam.



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P.B. BALAJI, J.

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