



WEB COPY



C.R.P(PD)No.5111 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

C.R.P(PD)No.5111 of 2024

and

C.M.P.Nos.28674 and 28675 of 2024

1.Narayanasamy

2.Kalaiselvi

3.Jayanthi

4.Manikandan

...Petitioners

Vs.

Muthamizhselvi

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to call for records of the D.V.C. No.25 of 2023 on the file of the learned Additional Mahila Court, Magisterial Level, Cuddalore and quash the same.

For Petitioners

:Mr.B.Thiyagarajan

For Respondents

: Mr.Saravanan

ORDER



C.R.P(PD)No.5111 of 2024

This Civil Revision Petition challenges the very presentation of D.V.C No.25 of 2023 on the file of the learned Additional Mahila Court (Magisterial) Level, Cuddalore.

2.The Civil Revision Petitioners are the mother in law, father in law, sister in law and her husband of the sole respondent. The sole respondent married the son of the petitioners No.1 and 2. Pleading that she had been meted out with domestic violence while residing in the shared household. She has presented the domestic violence complaint. The petitioners plead that they have been unnecessarily impleaded as parties to the proceedings and have come forward with this Revision to quash.

3.When the Revision came up for admission, I noticed that specific allegations have been made as against the 1st and the 2nd petitioners. When this aspect was pointed out, the learned counsel for the petitioners Mr.B.Thiyagarajan withdrew the Revision as regards the 1st and 2nd petitioner and confined it only with respect to petitioners No.3 and 4. Recording the said fact, I issued notice to the sole respondent. The sole respondent has entered appearance through Mr.Saravanan.



C.R.P(PD)No.5111 of 2024

WEB COPY

4. I heard Mr.Thiyagarajan and Mr.Saravanan.

5.In order to maintain a domestic violence complaint against the individual, specific allegations have to be made out as against parties. The perusal of D.V.C.No.25 of 2023 shows no allegations have been made against the 3rd and 4th Civil Revision Petitioner and to prosecute the petition against them is an abuse of process of law. Mr.Saravanan pleads that it should be left open to the petitioners 3 and 4 to approach the learned Magistrate and file an appropriate application seeking their discharge.

6.When it is brought to the notice of this Court that parties have been impleaded without any allegations against them, and if I were to direct the parties to approach the Trial Court, it would only increase their agony. Had the sole respondent made allegations against the petitioner Nos.3 and 4 as she has done with respect to her husband and her father in law and mother in law, I would have certainly not entertained the Revision. As there are no allegations, I have constrained to interfere, despite the vehement pleas and objections of Mr.Saravanan.



WEB COPY



C.R.P(PD)No.5111 of 2024

V.LAKSHMINARAYANAN, J.

kas

7.In the light of the above discussions, the Civil Revision Petition stands dismissed as against petitioners No.1 and 2. It is allowed as against petitioners 3 and 4. The learned Judicial Magistrate shall record this order and strike out the name of petitioners No.3 and 4 from D.V.C No.25 of 2023. No costs. Consequently, the connected miscellaneous petitions are closed.

28.01.2024

kas

Index : yes / no
Neutral Citation

To

The Additional Mahila Court
Magisterial Level
Cuddalore

C.R.P(PD)No.5111 of 2024



WEB COPY



C.R.P(PD)No.5111 of 2024

and C.M.P.Nos.28674 and 28675 of 2024