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C.R.P.No.4896 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.R.P.(PD).No.4896 of 2023

and

C.M.P.No.28900 of 2023

1.Baskar

2.Durga

...Petitioners/ Respondent Nos.2 and 3

Vs.

1.Kalaiselvi

2.Prakash

...1st Respondent/Complainant

...2nd Respondent/1st Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to call for the records relating to the petition in D.V.C.No.10 of 2023 on the file of the 'Judicial Magistrate Court, Katpadi' and to quash the same as far as the Revision Petitioners.

For Petitioners : Ms.S. Selvi

For Respondents : Mr.C.S. Saravanan
for R1

Not ready in notice regarding R2

ORDER

The Civil Revision Petition has been filed praying to call for the records relating to the petition in D.V.C.No.10 of 2023 on the file of the 'Judicial Magistrate Court, Katpadi' (hereinafter referred to as the Trial Court') and to quash the same as far as the Revision Petitioners.

2.The Revision Petitioners herein are the Respondents Nos.2 and 3 in the D.V.C. No.10 of 2023 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 sister of the 2nd Respondent herein. The marriage between the respondents herein was solemnized on August 30, 2020. Out of the marriage, one male child was born to them. The 2nd Respondent filed a complaint before the Protection Officer, Sathuvachery on January 31, 2023 against the Revision Petitioners and the 2nd Respondent after due enquiry conducted by the Protection Officer, the complaint was submitted to the Trial Court on May 30, 2023. The said complaint was numbered as D.V.C.No.10 of 2023 before the Trial Court. The 1st Respondent/Complainant filed the aforesaid complaint against the 2nd Respondent and the Revision Petitioners seeking protection under Section 18, Residence 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 taken on file on July 05, 2023.

3.Ms.S.Selvi, learned Counsel appearing for the Revision Petitioners would submit that the Revision Petitioners herein are the father and sister 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 sister of the 2nd Respondent, the 1st Respondent with an vindictive motive has initiated the aforesaid DVC case falsely against them as well. Further, she 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, she seeks the



relief as prayed for.

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4. *Per contra*, Mr.C.S.Saravanan, 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 quash the D.V.C.No.10 of 2023 against the Revision Petitioners and accordingly, he prays to dismiss the Civil Revision Petition.

5.This Court has perused the petition in D.V.C.No.10 of 2023; it is seen that the 2nd Respondent is the husband of the 1st Respondent and the Revision Petitioners are the father and sister of the 2nd Respondent. In view of the domestic relationship, the 1st Respondent has initiated the DVC.No.10 of 2023 against her husband/2nd Respondent herein and his family members alleging domestic violence. As of now, the said DVC.No.10 of 2023 is at the stage of counter which is pending since 2023 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 a full fledged 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



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appear. Hence, this Court directs the learned Judicial Magistrate, Katpadi, 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 Judicial Magistrate, Katpadi, hereby stands dispensed with, however, the learned Magistrate may order for their appearance when he/she deems fit and necessary.

7.Considering the age of the Domestic Violence Case, the Trial Court is hereby directed to dispose of the case in DVC.No.10 of 2023, expeditiously.

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

19.11.2025

Index :Yes/No
Speaking order :Yes/No
Neutral citation :Yes/No
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R. SAKTHIVEL, J.

mps

To

1.The Judicial Magistrate,
Katpadi.

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

C.R.P.(PD).No.4896 of 2023
and
C.M.P.No.23900 of 2023

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