



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.261 of 2025

and

C.M.P.(MD).Nos.1558 and 1559 of 2025

1.M.Velusami

2.V.Vallimayel

3.V.Vembuselvi

4.K.Vembaiya

...Petitioners

Vs.

1.T.Lakshmi

2.Thamaraiselvan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to strike off the petition in D.V.C.No.5 of 2024 on the file of the Additional Mahila Court, Ramanathapuram, insofar as the petitioners / Accused Nos.2 to 5.

For Petitioners

: Mr.I.Pinaygash

For R-1 & R-2

: No Appearance



ORDER

This Civil Revision Petition has been filed to strike off the petition in D.V.C.No.5 of 2024 on the file of the Additional Mahila Court, Ramanathapuram, insofar as it relates to the petitioners / Accused Nos.2 to 5.

2. The first respondent herein filed a petition in D.V.C.No.5 of 2024 on the file of the Additional Mahila Court, Ramanathapuram, against the petitioners and the second respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking return of household articles given at the time of marriage and other reliefs.

3. The learned counsel appearing for the petitioners would submit that petitioner Nos.1 and 2 are the parents-in-law of the first respondent. The third petitioner is the sister-in-law of the first respondent and the fourth petitioner is the husband of the third petitioner. The second respondent is the husband of the first respondent. Due to matrimonial disputes between the first and second respondents, the first respondent filed the present domestic violence case against the petitioners and the second respondent. Challenging the same, the petitioners have filed this revision petition.

4. The learned counsel for the petitioners would further submit that though there are certain allegations levelled against petitioner Nos.1 to 3, no



allegation whatsoever has been made against the fourth petitioner, who is residing separately at Mudukulathur. He would also contend that the petitioners are in no way connected with the allegations in the D.V.C. case, and that though the second respondent is ready and willing to live with the first respondent, it is only the first respondent who is unwilling to join him and has initiated the present proceedings.

5. Though the names of the respondents have been printed in the cause list, none appears on their behalf.

6. This Court perused the complaint made by the first respondent. On a reading of the entire complaint, it is seen that allegations have been made against petitioner Nos.1 to 3 and the second respondent; however, no allegation has been made against the fourth petitioner. In the absence of any specific averments or supporting documents, implicating the fourth petitioner in the D.V.C. case is not sustainable.

7. Accordingly, this Court is inclined to quash the proceedings in D.V.C.No.5 of 2024 insofar as they relate to the fourth petitioner.

8. At this juncture, the learned counsel for the petitioners prays that petitioner Nos.1 to 3 may be permitted to raise all the grounds mentioned herein



before the trial Court. He also requests that their personal appearance before the trial Court be dispensed with.

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9. Taking into consideration the submissions made on behalf of petitioner Nos.1 to 3, this Court permits them to raise all the grounds as raised herein before the trial Court at the time of trial. Their appearance before the trial Court is dispensed with, except for the purpose of receiving copies of proceedings under Section 230 of the BNSS, framing of charges, questioning under Section 351 of the BNSS, and on the day of pronouncement of judgment. However, if for any particular reason the presence of petitioner Nos.1 to 3 is required, the trial Court, in its discretion, shall direct them to appear on those days.

10. In the result, the Civil Revision Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.07.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Additional Mahila Court, Ramanathapuram.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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