



C.R.P.(MD)No.1061 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)No.1061 of 2023

and

C.M.P.(MD)Nos.4987 & 4989 of 2023 & 1823 of 2024

1.D.Nagupanaiyan

2.Chinnachi

3.Selvi

...Petitioners

Vs.

1.Karuppayee

2.Minor N.Duraipandi @ Sathish

3.Minor N.Santhiya

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records pertaining to the order made in D.V.C.No.2 of 2023, on the file of the Judicial Magistrate, Melur and to strike off the same.

For Petitioners : Mr.AK.Azagarsami

For Respondents : No appearance



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ORDER

This petition has been filed seeking to strike off the impugned proceedings in D.V.C.No.2 of 2023, on the file of the Judicial Magistrate, Melur.

2.The petitioners herein are the respondents in D.V.C.No.2 of 2023, before the trial Court. The respondents herein have filed D.V.C.No.2 of 2023, before the Judicial Magistrate Court, Melur, under the provisions of the Domestic Violence Act and BNSS, 2023.

3.The learned counsel appearing for the petitioners submits that the first petitioner is the husband of the first respondent, second petitioner is the mother of the first petitioner and the third petitioner is the paramour of the first petitioner. The first respondent has initiated domestic violence proceedings against the above persons. It is submitted that the petitioners are no way connected with the allegations made by the first respondent in the DVC case. Therefore, they pray that the petitioners may be permitted to raise all the



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grounds mentioned herein before the trial court. He also requests this Court to dispense with their personal appearance before the trial court.

4.Inspite of issuance of notice, there is no representation for the respondents. However, in view of the nature of the order which this Court is going to pass, which in no way affects the respondents, representation on behalf of the respondents is not necessary.

5.This Court, taking into consideration the submission made by the learned counsel for the petitioners, permits the petitioners to raise all the grounds as raised herein before the trial court at the time of trial. Taking into consideration the request made by the learned counsel for the petitioners, their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 230 of BNSS, framing of charges, questioning under Section 351 of BNSS and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct them to appear on those days.



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6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.07.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Judicial Magistrate,
Melur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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