



C.R.P.(MD)No.1150 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1150 of 2023

and

C.M.P.(MD)Nos.5497 & 5499 of 2023

Sheik Sirajdeen

...Petitioner

Vs.

1.Anees Fathima

2.Thanseer Ahamed (Minor)

Rep by his mother,

Anees Fathima

3.Mohammed Tharik

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records of the case in D.V.C.No.2 of 2021, pending on the file of Judicial Magistrate Court, Periyakulam and strike off the same as illegal.

For Petitioner : Mr.George Raja

For Respondents : Mr.K.Selvam



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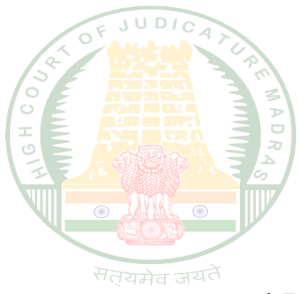
ORDER

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This petition has been filed seeking to strike off the impugned proceedings in D.V.C.No.2 of 2021, pending on the file of Judicial Magistrate Court, Periyakulam.

2.The petitioner herein is the first respondent in D.V.C.No.2 of 2021, before the trial Court. The respondents herein have filed D.V.C.No.2 of 2021, before the Judicial Magistrate Court, Periyakulam, under the provisions of the Domestic Violence Act and BNSS, 2023.

3.The learned counsel appearing for the petitioner submits that he is the husband of the first respondent. The first respondent has initiated domestic violence proceedings against him and her in-laws. It is submitted that the petitioner is in no way connected with the allegations made by the first respondent in the DVC case and though he is ready and willing to live with the respondent it is only the respondent who is not coming to live with him and has initiated the present case. Therefore, he prays that the petitioner may be permitted to raise all the grounds mentioned herein before the trial court. He also requests this Court to dispense with his personal appearance before the trial court.



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4.Learned counsel appearing for the respondents submits that if this Court is inclined to dispense with the appearance of the petitioner, this Court may impose requisite conditions to see to it that the presence of the petitioner at the times, during which the presence of the petitioner is mandatory be safeguarded so that the petitioner does not frustrate the trial proceedings by dragging on the same to the detriment of the respondents.

5.This Court, taking into consideration the submission made by the learned counsel for the petitioner, permits the petitioner 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 petitioner, his appearance before the trial court is dispensed with except for his 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 petitioner is necessary, the trial court, at its wisdom, shall direct him to appear on those days. Considering the pendency of the case from 2021, the trial Court is directed to dispose of D.V.C.No.2 of 2021, as expeditiously as possible.



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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.

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Internet: Yes/No

Index: Yes/No

MR



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To

1. The Judicial Magistrate,
Periyakulam.
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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