



C.R.P(MD)No.1304 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.12.2024
DELIVERED ON : 29.01.2025

CORAM:

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.1304 of 2022
and
C.M.P(MD)No.5373 of 2022

1.Arokiya Sebastian

2.Arulanantham

3.Rajabackiam

4.Jeya Mercy

... Petitioners

Vs.

Karpaga Maruthammal

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records relating to the complaint in D.V.O.P.No.6 of 2021 on the file of the learned Judicial Magistrate, Alankulam, Thenkasi District and quash the same and consequently allow the present Civil Revision Petition in respect of the petitioners herein and pass such further or other orders as this Court.

For Petitioners : Mr.B.Santhanam Rajeshkumar



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For Respondent : Mr.J.C.Rathinavel Pandian

ORDER

This Civil Revision Petition is filed against the complaint in D.V.O.P.No.6 of 2021 on the file of the learned Judicial Magistrate, Alankulam, Thenkasi District.

2. According to the revision petitioners, the marriage between the first petitioner and the respondent was solemnized on 10.10.2016 at Thirunelveli as per their caste and customs and the same was an arranged marriage. After the marriage, they have settled in their matrimonial house. Out of the said marriage, there were no issues. In the meantime, a difference of opinion arose between the first petitioner and the respondent. Hence, the first petitioner filed a petition in I.D.O.P.No.16 of 2018 before the Family Court, Sivagangai seeking for divorce. At this juncture, both families advised them to got reunited. In these circumstances, they have withdrawn the said petition on 17.09.2021. Thereafter, they started living together at the matrimonial home. While so, the respondent filed the present D.V.O.P.No.6



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of 2021. The said complaint is illegal, un-sustainable in law and not maintainable.

3. On the other hand, the learned Counsel appearing for the respondent would submit that the quashing of the proceedings that are pending in a domestic violence case is undesirable. No exceptional grounds are made out for quashing the proceedings against the petitioners. Hence, the above revision petition is liable to be dismissed.

4. Heard the learned Counsel for the petitioners and the learned Counsel for the respondent and perused the materials available on record.

5. The above Civil Revision Petition is filed by the petitioners seeking to quash the proceedings that are pending against them, who were arrayed as fifth and sixth respondents in D.V.O.P.No.6 of 2021 on the file of the learned Judicial Magistrate, Alankulam, Thenkasi District. As rightly pointed out by the learned Counsel appearing for the respondent quashing of the proceedings that are pending in a domestic violence case is undesirable. No exceptional grounds are made out for quashing of



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proceedings against the petitioners. Therefore, this Court considers it desirable to dispose of this Civil Revision Petition in the following manner:

*"i) If the petitioners are having any grievance that they have been unnecessarily added as parties to the proceedings, it is open to them to file an application before the concerned Court to delete their names and if any such application is filed, the concerned Court shall decide the same, as per the decision of the Hon'ble Supreme Court in **Kunapareddy Vs. Kunapareddy Swarna Kumari reported in 2016 (11) SCC 774.***

ii) If the petitioners are represented through a Counsel, the concerned Court shall not insist on the personal appearance of the petitioners. However, the petitioners shall appear before the Court as and when their presence is required by the Court.

iii) The concerned Court is directed to dispose of D.V.O.P.No.6 of 2021 as expeditiously as possible preferably within a period of five months from the date of receipt of a copy of this order."



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6. With the above direction, this Civil Revision Petition stands disposed of. As a sequel, Miscellaneous Petitions pending, if any shall stand closed. There shall be no order as to costs.

29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Judicial Magistrate,
Alankulam,
Thenkasi District.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
C.R.P(MD)No.1304 of 2022

29.01.2025