



C.R.P(MD)No.1473 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.01.2025
DELIVERED ON : 23.01.2025

CORAM:

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.1473 of 2024
and
C.M.P(MD)Nos.8714 & 8715 of 2024

1.R.Seetharaghavan

2.P.Namburani

3.Nambunayai

... Petitioners

Vs.

1.Krishnaveni

2.R.Gowri

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the impugned D.V.C.No.6 of 2024 on the file of the learned Judicial Magistrate Court-II, Kovilpatti and strike of the same as illegal and pass such further or other orders as this Court.

For Petitioners : Mr.V.P.Rajan



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For R-1 : Mr.S.Ramasamy

For R-2 : No appearance

ORDER

This Civil Revision Petition is preferred to strike off the proceedings in D.V.C.No.6 of 2024 on the file of the Judicial Magistrate Court II, Kovilpatti.

2. The facts of the case is that the respondent / wife preferred a complaint under the Domestic Violence Act, 2005 against the petitioners. Aggrieved by this, the present revision is preferred to quash the proceedings in the above D.V.C.No.6 of 2024 by stating that the said D.V.C petition is nothing but a counter blast to the filing of divorce petition by the husband. The petitioners 2 and 3 are the mother and maternal aunt of the first petitioner husband. The petitioners 2 and 3 have nothing to do with the domestic quarrel between the respondent / wife and her husband. The respondent / wife has roped the petitioners 2 and 3 into the proceedings. The complaint itself is not maintainable on account of the fact that the petitioners are not residing under the same shelter with the respondent.

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Hence, the proceedings under the D.V.C petition is liable to be dismissed.

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3. The learned Counsel appearing for the revision petitioner would submit that since the first petitioner / husband filed H.M.O.P.No.220 of 2024 against the respondent / wife for divorce on the ground of cruelty, the D.V.C proceedings were initiated by her as counter blast. It is submitted that the third petitioner is the aunt of the first petitioner's husband and she has nothing to do with the family dispute between the husband and wife and therefore, the proceedings initiated against her under the Domestic Violence Act are nothing but clear abuse of process of law and therefore, the same is liable to be quashed.

4. On the other hand, the learned Counsel appearing for the respondents would submit that there is serious allegations against the petitioners in the complaint preferred by the respondent / wife and therefore, the proceedings under the Domestic Violence Act has to be proceeded. Therefore, the present revision petition is liable to be dismissed.



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5. Heard the learned Counsel for the petitioner and the learned Counsel for the first respondent and perused the materials available on record.

6. The present revision petition is filed seeking to quash the proceedings against the petitioners herein, who are arrayed as respondents 1 to 3 in D.V.C.No.6 of 2024, pending on the file of the Judicial Magistrate Court II, Kovilpatti.

7. Quashing of the proceedings that are pending in a Domestic Violence case is undesirable. The first petitioner is the husband and the second petitioner is the mother-in-law of the respondent and the third petitioner is the sister of the second petitioner. Due to matrimonial discord, the first petitioner has filed a divorce petition in H.M.O.P.No.220 of 2024 before the Family Court, Madurai seeking divorce on the ground of cruelty. Under this circumstance, the respondent herein filed a petition under Domestic Violence Act in D.V.O.P.No.6 of 2024 before the Judicial Magistrate Court-II, Kovilpatti and implicated the petitioners as parties to the petition and sought action as against them under the Domestic Violence



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Act. The said D.V.O.P.No.6 of 2024 is pending for trial. At this stage, the petitioners prays for quashing the proceedings in the above D.V.O.P.No.6 of 2024.

8. However, this Court is inclined to dispose of the civil revision petition in the following directions:

*"(i) Applying the principles laid down in **Kunapareddy Vs. Kunapareddy Swarna Kumari reported in 2016 (11) SCC 774**, the petitioners 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 learned Magistrate to delete their names and if any such application is filed, the learned Magistrate shall decide the same in accordance with law.*

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

(iii) The learned Magistrate is directed to dispose of D.V.O.P.No.6 of 2024 as expeditiously as possible, preferred within a period of five (5) months from the date of receipt of a copy of this order."



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9. Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

23.01.2025

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

To

The Judicial Magistrate Court-II,
Kovilpatti.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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