



C.R.P.(PD)(MD).No.1537 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1537 of 2024
and
C.M.P.(MD)Nos.9045 of 2024

1.Pavan Kumar

2.Ramachari

3.Nageshwaramma

4.Anil Kumar

5.Amar Nath

6.Lavanya

... Petitioners

Vs.

R.Jothimuthu

... Respondent

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to call for the records relating to DVC No.221 of 2023 on the file of the Judicial Magistrate Court, Madurai (Additional Mahila Court) and strike off the same in respect of the petitioners herein, who were arrayed as respondents 1 and 6.



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For Petitioner : Mr.K.Dinesh
For Respondent : Mr.A.Mohamed Ashfalk

ORDER

This petition has been filed seeking to strike off the impugned proceedings in D.V.C.No.221 of 2023 on the file of Judicial Magistrate Court, Madurai (Additional Mahila Court).

2.The petitioners herein are the respondents 1 to 6 in D.V.C.No.221 of 2023, before the trial Court. The respondent herein has filed D.V.C.No.221 of 2023, before the learned Judicial Magistrate Court, Maudrai (Additional Mahila Court), under the provisions of the Domestic Violence Act.

3.The learned counsel appearing for the petitioners submits that the respondent has initiated domestic violence proceedings against her husband and her in-laws. It is submitted that the first petitioner is the husband, second petitioner is the father-in-law, third petitioner is the mother-in-law, fourth and fifth petitioners are brothers-in-law of the respondent herein and they are in no way connected with the allegations made by the respondent in the DVC case. Therefore, he prays that the petitioners 1 to 5 may be permitted to raise



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

4. The learned counsel for the petitioner further submits that the sixth petitioner is the wife of the brother-in-law of the respondent herein. There are no specific allegations as against the sixth petitioner. In the absence of any allegations as against the sixth petitioner, impleading the sixth petitioner in the domestic violence case is not at all sustainable. Hence, the learned counsel for the petitioner seeks to quash the proceedings as against the sixth petitioner.

5. The learned counsel appearing for the respondent submits that if this Court is inclined to dispense with the appearance of the petitioners, this Court may impose requisite conditions to see to it that the presence of the petitioners at the times, during which the presence of the petitioners is mandatory be safeguarded so that the petitioners do not frustrate the trial proceedings by dragging on the same to the detriment of the respondent.



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6. This Court, taking into consideration the submission made by the learned counsel for the petitioners, permits the petitioners 1 to 5 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, appearance of the petitioners 1 to 5 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 1 to 5 is necessary, the trial court, at its wisdom, shall direct them to appear on those days.

7. This Court perused the entire domestic violence case filed as against the petitioners. Admittedly, there are no general or specific allegations as against the sixth petitioner. The sixth petitioner has no role in the matrimonial dispute between the first petitioner and the respondent, except participating in the marriage solemnized between the first petitioner and the respondent. Without any specific or general allegations as against the sixth petitioner, impleading the sixth petitioner in the domestic violence case is



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clear abuse of process of law. Hence, this Court is inclined to quash the domestic violence proceedings as against the sixth petitioner alone. Accordingly, the proceedings in D.V.C.No.221 of 2023 is hereby quashed as against the sixth petitioner alone.

8.This Civil Revision Petition stands partly allowed on the above terms. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

08.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate (Additional Mahila) Court,
Madurai
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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