

C.R.P.(MD)No.2136 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2136 of 2023

and

C.M.P.(MD)No.10757 of 2023

Roshaiyan

...Petitioner

Vs.

Sujitha.

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to quash the proceedings in D.V.C.No.5 of 2023, on the file of Judicial Magistrate No.1 at kuzhithurai.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondent : Mr.C.Kishore



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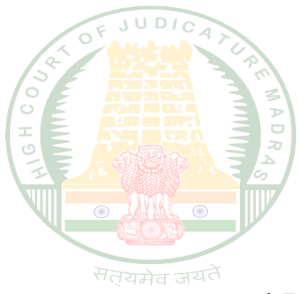
ORDER

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This petition has been filed seeking to strike off the impugned proceedings in D.V.C.No.5 of 2023, on the file of the Judicial Magistrate No.1 at kuzhithurai.

2.The petitioner herein is the respondent in D.V.C.No.5 of 2023, before the trial Court. The respondent herein has filed D.V.C.No.5 of 2023, before the Judicial Magistrate No.1 at kuzhithurai, 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 respondent. The first respondent has initiated domestic violence proceedings against him. 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.

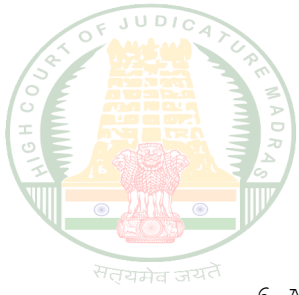


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4.Learned counsel appearing for the respondent submits that if this Court is inclined to dispense with the appearance of the petitioner, this Court may impose requisite conditions to see to it that the presence of the petitioner at the times, during 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 respondent.

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.



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

04.07.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Judicial Magistrate No.1,
Kuzhithurai.
- 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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