

C.R.P.(MD)No. 2350 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2350 of 2022

and

C.M.P.(MD)Nos.11351 & 11352 of 2022

1.Jahabar

2.Saleema

...Petitioners

Vs.

1.Meera Banu

2.Minor Arfin Shasheer

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to issue appropriate Order / Orders, calling for the records relating to impugned D.V.O.P.No.21 of 2018, on the file of the learned Judicial Magistrate No.2, Nagercoil, Kanyakumari District and to set aside the same as illegal against the petitioners.

For Petitioners : Mr.B.Micheal Sebastin

For Respondents : Mr.R.Suresh Kumar



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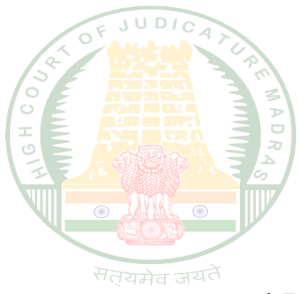
ORDER

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This petition has been filed seeking to strike off the impugned proceedings in D.V.O.P.No.21 of 2018, on the file of the learned Judicial Magistrate No.2, Nagercoil, Kanyakumari District.

2.The petitioners herein are the respondents in D.V.O.P.No.21 of 2018, before the trial Court. The first respondent herein has filed D.V.O.P.No.21 of 2018, before the learned Judicial Magistrate No.2, Nagercoil, Kanyakumari District, under the provisions of the Domestic Violence Act and BNSS, 2023.

3.The learned counsel appearing for the petitioners submits that they are the in-laws of the first respondent. The first respondent has initiated domestic violence proceedings against her husband and the petitioners herein. It is submitted that the petitioners are in no way connected with the allegations made by the first respondent in the DVOP case. Therefore, he prays that the petitioners may be permitted to raise all the grounds mentioned herein before the trial court. He also requests this Court to dispense with their personal appearance before the trial court.

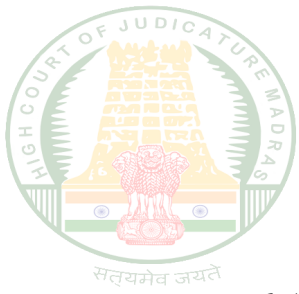


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4.Learned counsel appearing for the respondents submits that if this Court is inclined to dispense with the appearances of the petitioners, this Court may impose requisite conditions to see to it that the presence of the petitioners at the times, during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

5.This Court, taking into consideration the submission made by the learned counsel for the petitioners, permits the petitioners 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, their appearance 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 is necessary, the trial court, at its wisdom, shall direct them 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, connected miscellaneous petitions are closed.

07.08.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Judicial Magistrate No. 2,
Nagercoil,
Kanyakumari District.
- 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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