



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.31 of 2025

and

C.M.P.(MD).No.185 of 2025

J.Selvarani

...Petitioner

Vs.

1.D.Shinha

2.J.Divine

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the DVC proceedings initiated by the first respondent in D.V.C.No.65 of 2024 on the file of the learned Judicial Magistrate I, Thoothukudi, insofar as the petitioner alone is concerned and allow the Civil Revision Petition.

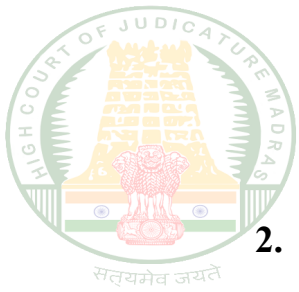
For Petitioner : Mr.J.Lawrance

For R-1 : Mr.K.Samidurai

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ORDER

This petition has been filed seeking orders to strike off the DVC proceedings initiated by the first respondent in D.V.C.No.65 of 2024 on the file of the learned Judicial Magistrate I, Thoothukudi, insofar as the petitioner alone is concerned and allow the Civil Revision Petition.



2. The petitioner herein is the second respondent in D.V.C.No.65 of 2024, before the trial Court. The first respondent herein have filed D.V.C.No.65 of 2024, before the learned Judicial Magistrate I, Thoothukudi, under the provisions of the Protection of Women from Domestic Violence Act, 2005.

3. The learned counsel appearing for the petitioner submits that the petitioner is the mother-in-law of the first respondent. The first respondent has initiated domestic violence proceedings against her. The second respondent is the husband of the first respondent. 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 the second respondent is ready and willing to live with the first respondent, it is only the first 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 her personal appearance before the trial Court.

4. Learned counsel appearing for the first 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 first respondent.

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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, her appearance before the trial Court is dispensed with except for her 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 her to appear on those days. Considering the pendency of the case from 2024, the trial Court is directed to dispose of D.V.C.No.65 of 2024, as expeditiously as possible.

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

10.07.2025

Internet: Yes/No
Index: Yes/No
TSG



To

1.The Judicial Magistrate I, Thoothukudi.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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