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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 1295 of 2026

and CMP No.6326 of 2026

CNR: {HCMA010484062026}

Case QR

Balakrishnan Sivan
S/o P.Sivanainda Perumal,

..Petitioner(s)

Vs

1. Vineeta Vijayakumar
   D/o Vijay kumar,

2. Mahesh Balakrishnan
   S/o Balakrishnan

..Respondent(s)

Prayer:

Petition filed under Article 227 of the Constitution of India, to call for the records in DVC No.2 of 2026 on the file of the learned Judicial Magistrate of Thiruporur consequently quash the same as against this petitioner.

For Petitioner(s): Ms.K.Sumathi

For Respondent(s): Mr. J.Chandran Sundar Sashikumar
for R1
Notice Sent To R2 - Service Awaited

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ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to call for the records in DVC No.2 of 2026 on the file of the learned Judicial Magistrate, Thiruporur consequently quash the same as against this petitioner.

2. The 1st respondent initiated proceedings under the Domestic Violence Act against the petitioner and the 2nd respondent sought for various reliefs. In this petition, the petitioner is the Father in law and the 2nd respondent is the husband of the 1st respondent. According to the petitioner, he has been added as party only to harass him and the proceedings initiated by the 1st respondent is an abuse of process of law. Accordingly, the petitioner has sought for striking of the proceedings insofar as the petitioner is concerned.

3.Heard the learned counsel for petitioner and the learned counsel for the 1st respondent and this Court carefully perused the materials available on record.

4.The issue raised in the present petition is squarely covered by the judgment of the Full Bench of this Court in ***Arul Daniel and others v. Suganya and others [2022 (6) CTC 833]***. The grievance expressed by the petitioner can be worked out in line with the guidelines issued in paragraph No.76(ix) of the aforesaid judgment and for proper appreciation, the same is extracted

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hereunder:

> "76 (ix) In ***Kunapareddy*** (cited supra), the Hon'ble Supreme Court upheld the Order of a Magistrate purportedly exercising powers under Order 6, Rule 17 of the Civil Procedure Code, 1908 (hereinafter referred to as "C.P.C."), to permit the amendment of an Application under Section 12 of the D.V. Act. Taking a cue therefrom, it would be open to any of the Respondent(s), at any stage of the proceeding, to apply to the Magistrate to have their names deleted from the array of Respondents if they have been improperly joined as parties. For this purpose, the Magistrate can draw sustenance from the power under Order 1, Rule 10(2) of the C.P.C. A judicious use of this power would ensure that the proceedings under the D.V.Act do not generate into a weapon of harassment and would prevent the process of Court from being abused by joining all and sundry as parties to the lis."

5.The Full Bench made it very clear that an order under Article 227 of the Constitution of India striking off the proceedings will be passed only in cases where the Magistrate suffers from patent lack of jurisdiction. That is not the case here and the grievance expressed by the petitioner can be dealt with by the Court before which the Domestic Violence proceedings are pending.

6.In the light of the above discussion, it is left open to the petitioner to move an appropriate application before the learned Judicial Magistrate, Thiruporur, seeking to delete his name from the array of 2nd

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respondent/petitioner and the same will be dealt with on its own merits and in accordance with law after affording opportunities to both parties. If such an application is filed, it is left open to the 1st respondent/complainant to file a counter. The petitioner shall be permitted to be represented through counsel and his presence is dispensed with.

7.This Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

04-11-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

Judicial Magistrate, Thiruporur

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N.ANAND VENKATESH, J.

KP

CRP No. 1295 of 2026

04-11-2026

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