



Crl.O.P.(MD).No.15503 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.15503 of 2026

Sandhiya

... Petitioner

Vs

1. Richard Koil Pillai
2. Sanjay @ Surendran
3. Lilly Sagaya Mary
4. Delvi
5. Vincent Malankov
6. Alex Castro
7. Edwin

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Additional Mahila Court (Magistrate Level) Nagercoil to number the petition filed the petitioner in Crl.M.P. Filing number 3025 of 2026 under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and dispose of the same on merits and in accordance with law within a time frame to be fixed by this Court.

For Petitioner : Mr.N.Rajasekar



Crl.O.P.(MD).No.15503 of 2026

ORDER

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The present petition has been filed by the complainant in Crl.M.P. Filing number 3025 of 2026 before the Additional Mahila Court (Magistrate Level) Nagercoil, seeking a direction to the concerned Court to number the application filed under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and dispose of the same on merits and in accordance with law.

2. A perusal of the records reveal that the application filed by the petitioner before the Additional Mahila Court (Magistrate Level) Nagercoil, has been returned on the ground that the place of occurrence is at Salem and therefore, the present application before the Nagercoil Court, is not maintainable. In such view of the matter, the present petition has been filed.

3. This Court has gone through the application filed by the petitioner under Section 175(3) of BNSS, 2023. The petitioner is the wife of the first respondent in the complaint and it has arisen out of matrimonial dispute. According to the petitioner, she was driven away from the matrimonial home at Salem and she is now residing at Kanyakumari at her parental home. In the



Crl.O.P.(MD).No.15503 of 2026

WEB COPY

Section 175(3) of BNSS, 2023 application, prayer has been sought for only as against the Kanyakumari All Women Police Station.

4. The learned counsel appearing for the petitioner had relied upon the decision of the Hon'ble Supreme Court reported in **2019 (5) SCC 384** in **(Rupali Devi Vs- State of Uttar Pradesh and others)**. Paragraph Nos. 15 and 16 of the said judgement are extracted below:

“15. The Protection of Women from Domestic Violence Act, as the object behind its enactment would indicate, is to provide a civil remedy to victims of domestic violence as against the remedy in criminal law which is what is provided under Section 498A of the Indian Penal Code. The definition of the Domestic Violence in the Protection of Women from Domestic Violence Act, 2005 contemplates harm or injuries that endanger the health, safety, life, limb or well-being, whether mental or physical, as well as emotional abuse. The said definition would certainly, for reasons stated above, have a close connection with Explanation A & B to Section 498A, Indian Penal Code which defines cruelty. The provisions contained in Section 498A of the Indian Penal Code, undoubtedly, encompasses both mental as well as the physical well-being of the wife. Even the silence of the



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CrI.O.P.(MD).No.15503 of 2026

wife may have an underlying element of an emotional distress and mental agony. Her sufferings at the parental home though may be directly attributable to commission of acts of cruelty by the husband at the matrimonial home would, undoubtedly, be the consequences of the acts committed at the matrimonial home. Such consequences, by itself, would amount to distinct offences committed at the parental home where she has taken shelter. The adverse effects on the mental health in the parental home though on account of the acts committed in the matrimonial home would, in our considered view, amount to commission of cruelty within the meaning of Section 498A at the parental home. The consequences of the cruelty committed at the matrimonial home results in repeated offences being committed at the parental home. This is the kind of offences contemplated under Section 179 Cr.P.C which would squarely be applicable to the present case as an answer to the question raised.

16. We, therefore, hold that the courts at the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, would, dependent on the factual situation, also have jurisdiction to entertain a complaint alleging commission of offences under Section 498A of the Indian Penal Code.”



Crl.O.P.(MD).No.15503 of 2026

WEB COPY

5. In view of the above said facts, even though the cause of action has taken place at Salem, the Court at Nagercoil, would have jurisdiction to entertain the complaint. Since the petitioner is residing at her parental home at Nagercoil, the Court can very well consider issuance of a direction to the concerned police at Kanyakumari, if it is satisfied on its merits.

6. With the above said observations, this Criminal Original Petition is allowed and there shall be a direction to the Additional Mahila Court (Magistrate Level) Nagercoil, to number the petition in Crl.M.P. Filing number 3025 of 2026 and pass orders on merits and in accordance with law.

27.07.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: The Registry is directed to return the original records after getting necessary acknowledgment from the learned counsel appearing for the petitioner.

5/7



Crl.O.P.(MD).No.15503 of 2026

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To

1. The Additional Mahila Court (Magistrate Level),
Nagercoil.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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Crl.O.P.(MD).No.15503 of 2026

R.VIJAYAKUMAR,J.

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Crl.O.P(MD)No.15503 of 2026

27.07.2026