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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8797 of 2015

M.P.No.2 of 2015

1.Indhira @ Sarojini
2.Narayanasamy
3.Ramprasad
4.Lakshmanaprasad
5.Bhuvaneswari

... Petitioners

Vs.

D.Rekha

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in D.V.O.P.No.92/2014 on the file of the Judicial Magistrate, Additional Mahila Court (Magisterial Level), Salem & District and quash the same.

For petitioners : Mr.I.C.Vasudevan

For Respondent : Mr.R.Nalliyappan

O R D E R

The petitioners, who are the respondents in Domestic Violence complaint filed by the respondent herein seeking protection order, interim maintenance of Rs.15,000/- per month and compensation of Rs.20,00,000/- under Section 22 of Dowry Prohibition Act, also return of the dowry articles presented in the marriage, have filed this quash petition.

2. The first and the second petitioners are the mother and father of Prasanna Venkatesan, who is the husband of the respondent herein. The third and fourth petitioners are the brothers of Prasanna Venkatesan. The fifth petitioner is the sister of Prasanna Venkatesan. The marriage between the respondent and Prasanna Venkatesan was held on 15.09.2013. It was an arranged marriage. The said Prasanna Venkatesan was working as an Assistant Professor in Hindustan Engineering



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College, Coimbatore. He was earning a sum of Rs.40,000/ per month. During the marriage, Rs.5,00,000/- and 40 sovereigns of gold, Rs.1,00,000/- for household articles were given to the petitioners' family. Further, they demanded a sum of Rs.5,00,000/- for purchasing a car. After the marriage, the respondent and Prasanna Venkatesan were living together only for 28 days. Thereafter, the said Prasanna Venkatesan left Coimbatore and the respondent was living in the petitioners residence. The petitioners' subjected the respondent to harassment and cruelty. Further, the petitioners 3 and 4 misbehaved with the respondent. Thus, all the petitioners herein had joined together, demanded dowry and harassed the respondent. Despite panchayat held on 01.12.2013, the respondent and Prasanna Venkatesan did not join together. Thereafter, the said Prasanna Venkatesan has not contacted the respondent. Hence on 13.02.2014, the respondent along with her parents had gone to the College where Prasanna Venkatesan was working. But, they were unable to meet him and the co-workers stated that the said Prasanna Venkatesan needs some counseling. Thereafter, the respondent approached the petitioners and they demanded further dowry of 20 sovereigns and Rs.50,000/- and unless it is paid, she will not be allowed to join with her husband. Hence, she had filed the domestic violence petition.

3. The learned counsel of the petitioners is that the petitioners are in-laws. The marriage between the respondent and Prasanna Venkatesan took place on 15.09.2013. The articles presented during the marriage were Sridhana Articles and there was no demand of dowry. Right from the marriage, the respondent was not interested in marriage life. Hence, problem aroused between them. The respondent lived in the matrimonial home only for 5 days. Thereafter, the respondent and Prasanna Venkatesan had gone to Coimbatore and they were living separately. The petitioners had never shared the common household property with the respondent. Further, Prasanna Venkatesan had filed H.M.O.P.No.2705 of 2014 before the Hon'ble Family Judge, Coimbatore seeking for divorce on the ground that the respondent is not interested in marriage life. As a counter blast, the respondent had filed F.C.O.P.No.294 of 2014 before the Family Court, Salem seeking for restitution of conjugal rights on 27.06.2014. Thereafter, the respondent had also filed another petition in D.V.O.P.No.92 of 2014, making similar allegations. Further, he submitted that on reading of the Domestic Violence Petition, it is seen that except for bald allegations of demand of dowry and harassment, nothing has been specifically stated against the petitioners. The respondent admitted in the petition that she lived with her husband only for 28 days. Prior to the marriage of the respondent, the 3rd and 4th petitioners were married and they were living separately with their respective families. The said Prasanna Venkatesan was living in Coimbatore



due to his employment and they lived together only for 5 days. Hence there is no share in common household properties and deliberately, the respondent has filed a complaint. Further, the relief sought in the Domestic Violence Petition is only against her husband/Prasanna Venkatesan and no relief is sought against the petitioners. Hence, they prayed for quashing of the complaint.

4. Considering the rival submissions and on perusal of the materials, it is seen that the marriage between the respondent and Prasanna Venkatesan took place on 15.09.2013. They lived together only for 5 days and thereafter, the said Prasanna Venkatesan left to Coimbatore. According to the respondent, she lived with her husband only for 28 days. Due to family dispute, she has been living with her parents. The petitioners were living separately in Salem and the said Prasanna Venkatesan was living in Coimbatore. For the matrimonial dispute, the said Prasanna Venkatesan as well as the respondent filed cases before the Family Court at Coimbatore and Salem. Apart from the demand of dowry and additional dowry, the reliefs sought by the respondent are payment of interim maintenance, compensation amount and returned of sridhana articles and no relief is sought against the petitioners herein. Further, it is seen that the respondent had directly filed Domestic Violence complaint before the Additional Mahila Court without approaching the Protection Officer and the veracity of the complaint could not be verified. In view of the same, continuance of the proceedings against the petitioners would amount to abuse of process of law. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate,
Additional Mahila Court (Magisterial Level),
Salem & District.

CRL.O.P.No.8797 of 2015

ajs[co]
srg 21/10/2020