

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD)No.1460 of 2021
and C.M.P.Nos.11402 & 11404 of 2019
(Through Video Conference)

1. Sripadmanaban
2. S.P.D.Parimalachelvi .. Petitioners

Versus

1. The Protection Officer-I,
Domestic Violence Act,
District Social Welfare Office,
Collectorate, Rajaji Salai,
Chennai 600 001
2. Deepa Pushpa .. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records in the complaint in D.V.C.No.89 of 2020 on the file of the Additional Mahila Court, Egmore, Chennai 600 008 filed by the respondents under Section 12 of the Domestic Violence Act and quash the same.

For Petitioners : Mr.Thiageswarar
For M/s Waron @ Sai Rams

O R D E R

This Civil Revision Petition is filed to call for the records of the complaint in D.V.C.No.89 of 2020 on the file of the Additional Mahila Court, Egmore, Chennai 600 008 and quash the same.

2. Learned counsel for the petitioners submitted that the petition filed under Protection of Women from Domestic Violence Act, is a clear abuse of process of Court. The first petitioner has filed divorce petition in H.M.O.P.No.1657 of 2020 against the second respondent for divorce on the ground of cruelty. The second respondent had also filed H.M.O.P.No.296 of 2021 for restitution of conjugal rights. When these proceedings are pending between them, the proceedings under Domestic violence Act has been initiated to harass the first petitioner and his aged mother/ second petitioner. Therefore, he prays further for calling for records in D.V.C.No.89 of 2020 on the file of the Additional Mahila Court, Egmore, Chennai 600 008 and quash the same.

3. The reading of the allegations made in the affidavit filed along with the application under Protection of Women from Domestic Violence Act shows that the respondent has made certain allegations against the petitioners. Some

of them are that her mother-in-law does not like the 2nd respondent's husband/ first petitioner herein, sharing his love and doing any deeds for the 2nd respondent. The mother-in-law was finding fault with whatever the 2nd respondent was doing and was complaining about the acts of the 2nd respondent to others. She got irritated and ridiculed the 2nd respondent. She expressed her unhappiness and got annoyed when the first petitioner/ husband expressed his plan to buy a small car to the 2nd respondent.

4. On December 2013, the 2nd respondent had called her dad and raised the issue with regard to the matrimonial dispute. Next day, her husband sent a mail with false accusation. The first petitioner neglected her and started to sleep in the hall, upon the instructions of the mother-in-law. On February 3rd 2020, the first petitioner / husband deserted her and left the home without revealing anything to her. Later, the first petitioner did not allow the 2nd respondent into the matrimonial home. After an order was passed by the learned Additional Mahila Judge, Egmore, Chennai. her husband locked himself in a separate room. On October 8th 2020, a false news has been published in Malai Murasu Daily to target upon 2nd the respondent and her family members and there had been obnoxious whatsapp messages. These are the allegations made in the

affidavit filed along with the application under Protection of Women from Domestic Violence Act.

5. Learned counsel for the petitioners submitted that these allegations are false and invented only for the purpose of initiating proceedings under Protection of Women from Domestic Violence Act, with the prime object of harassing the petitioners. The first petitioner is a software engineer and his mother is an aged person. Therefore, he prayed for quashing the order passed in D.V.C.No.89 of 2020 on the file of the Additional Mahila Court, Egmore, Chennai 600 008.

6. Considered the submissions made by the learned counsel for the petitioners and perused the records.

7. What is Domestic Violence is defined under Section 3 of Domestic Violence Act. Any person harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse is said to have committed Domestic

Violence. In this case, there is no allegation of any physical abuse or sexual abuse made in the application. However, there are ingredients which make out the case for prosecution for verbal and emotional abuse and economic abuse , from the allegations made in the affidavit. Therefore, the prayer by the learned counsel for the petitioners to call for the records in D.V.C.No.89 of 2020 on the file of the Additional Mahila Court, Egmore, Chennai 600 008 to quash the same, cannot be entertained. However, considering the fact that there are already matrimonial proceedings pending between the husband and wife, the fact that the first petitioner is a software engineer and his mother is an aged woman, this Court directs the learned Additional Mahila Judge, Egmore, Chennai to insist the personal appearance of the petitioners, only when it is absolutely necessary. Otherwise, the enquiry proceedings may go on without their presence and in the presence of the learned counsel of the petitioners.

8. With the above directions, the **Civil Revision Petition stands Disposed** of. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2021

G.CHANDRASEKHARAN, J.,

sts/jai

Index: Yes/ No
Speaking Order / Non-Speaking Order

sts/jai

To:

The Additional Mahila Court,
Egmore,
Chennai 600 008



Order made in
C.R.P.(PD)No.1460 of 2021

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Dated:
01.09.2019