

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(PD) No.1817 of 2021
and C.M.P.No.14100 of 2021**

1.A.Raman
2.Saraswathi

...Petitioners

Vs.

1.M.Suguna
2.R.Subash

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the complaint dated 09.09.2019 in D.V.C.No.70 of 2019 on the file of the Additional Mahila Court, (Magistrate Level) , Tiruvannamalai

For Petitioners : Mr. A.Saravanan

ORDER

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This Civil Revision Petition is filed, to set aside the complaint in D.V.C.No.70 of 2019 dated 09.09.2019 on the file of the learned Additional

Mahila Judge, (Magistrate level), Tiruvannamalai.

2. The learned counsel for the petitioners submitted that on the complaint given by the first respondent, it was taken on file as D.V.C.No.70 of 2019 on the file of the learned Additional Mahila Judge, (Magistrate Level), Tiruvannamalai.

3. It is his further submission that the first respondent and her husband-second respondent after marriage lived in abroad for three months and then came back to India. After returning to India, the first respondent left to her parental home and she never lived with the second respondent. However, she gave false complaint and on the basis of the false complaint D.V.C.No.70 of 2019 is registered. Therefore, the learned counsel for petitioners prayed for setting aside the complaint.

4. The perusal of complaint shows that the first respondent claims that she was abused emotionally, verbally and economically. Not only that there was also the allegations of demand of dowry against her husband-

second respondent, father-in-law and mother-in-law. Section 3 of the Domestic Violence Act defines what is domestic violence. If a person causes 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, it amounts to domestic violence. There is specific allegations in the complaint that the first respondent was subjected to emotional, verbal and economical abuse and there was also demand of dowry. Thus it is clear from the complaint that a prima-facie case against the petitioners and the second respondent has been made out to initiate proceedings against them, under the Domestic Violence Act.

5. In view of the above consideration, this court is not inclined to set aside the complaint in D.V.C.No.70 of 2019 dated 09.09.2019 on the file of the learned Additional Mahila Judge, (Magistrate level), Tiruvannamalai. However, considering the fact that the petitioners are aged persons, this court dispense with the personal appearance of the petitioners before the Additional Mahila Court, Tiruvannamalai, unless it is specifically required by

the learned Additional Mahila Judge, (Magistrate Level), Tiruvannamalai.

6. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. Further, the learned Additional Mahila Judge, (Magistrate Level), Tiruvannamalai, is directed to dispose of the case in D.V.C.No.70 of 2019 on merits and in accordance with law, without being influenced by any of the observation made in this order.

ep/Jer

01.09.2021

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

To

1.The Additional Mahila Judge, Additional Mahila Court, Tiruvannamalai.

2.The Section Officer

VR Section

High Court of Madras.

G.CHANDRASEKHARAN.J,

Ep/Jer



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