



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.11.2021

PRONOUNCED ON : 16.11.2021

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.935 OF 2014

AND

M.P.NO.1 OF 2014

Lakshmanan

... Petitioner

Versus

Devaki

... Respondent

PRAYER:-

Criminal Revision Petition is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records from the learned Principal District and Sessions Judge, Krishnagiri, dated 07.08.2012, confirming the judgment of the Trial Court in Crl.M.P.No.5265 of 2008, rendered by the learned Judicial Magistrate No.I, Krishnagiri, dated 12.05.2011.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.C.Prabakaran

ORDER

This Criminal Revision in Crl.R.C.No.935 of 2014 is filed against the order of the learned Principal District and Sessions Judge, Krishnagiri, dated 07.08.2012 passed in Crl.A.No.37 of 2011, thereby confirming the order passed by the learned Judicial Magistrate No.I, Krishnagiri, dated 12.05.2011 in Crl.M.P.No.5265 of 2008, whereby, the learned Magistrate, on application by the respondent/wife/Devaki, under Section 17 and 20 of the Protection of Woman from Domestic Violence Act, 2005, had granted a relief of shared house hold by directing the petitioner to provide proper accommodation for the respondent/wife, Devaki, thereby, partly allowing the petition filed by the respondent/wife, while dis-entitling her claim for monetary reliefs.



husband to provide a proper accommodation for her. The said order also affirmed by the learned District and Sessions Judge.

9. It is seen that the respondent is in domestic relationship with the petitioner as they are husband and wife as on date. It is further seen that originally they shared the household and were living together. Only because of the domestic violence, that is to say, the action of the husband in developing relationship with the sister of the petitioner, she has been forced out of the shared household. Now, she has also been superannuated from her job of Noon Meal Organiser and she is in dire straits and as such no fault can be found in the orders of the learned Judicial Magistrate and learned District and Sessions Judge. The shared household does not point out particularly superstructure, but the home shared by the husband and wife, just because, the husband's diverted his entitlement in the immovable property/super structure that will not in any manner negate the claim of the aggrieved wife, who has suffered domestic violence. On a combined reading of Section 17 with 19 (f) of the Protection of Woman from the Domestic Violence Act, 2005, it would be clear that the petitioner/husband is duty bound to provide a proper accommodation of the same standard for the respondent/wife.

10. Accordingly, there are no merits in this criminal revision case, and hence, the same is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

klr

To

1. The Principal District and Sessions Judge,
Krishnagiri.
2. The Judicial Magistrate No.I,
Krishnagiri.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.59257

CRL.R.C.NO.935 OF 2014 AND
M.P.NO.1 OF 2014

KV(CO)
PBS/30/11/2021