

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.NO.2032 OF 2021

AND

C.M.P.NOS.15419 & 15422 OF 2021

R.Mahendra Babu

...Petitioner/respondent

Vs

Sudha

...Respondent/Petitioner

PRAYER:

Civil Revision Petition is filed under Section 227 of Constitution of India to quash the proceedings in DVOP No.4 of 2018 on the file of the Court of the Judicial Magistrate, Omalur, Salem District.

For Petitioner : Mr.M.Senthilkumar

ORDER

This Civil Revision Petition has been filed to quash the proceedings in DVOP No.4 of 2018 on the file of the Learned Judicial Magistrate, Omalur, Salem District.

2.It is seen from the complaint given in DVOP No.4 of 2018 that the marriage between the petitioner and respondent was solemnized on 02.02.2017. It is alleged in the complaint by the respondent that, when the first night was arranged on 06.02.2017, the respondent behaved indifferently and proclaimed that he has two faces and the Respondent cannot withstand if he show his other face. He also told her that he was not willing to have sexual relationship with her. Even thereafter, the petitioner was not willing to have family life with the respondent and he was in total custody of his parents. The Petitioner and his parents and sisters restrained the respondent from interacting with others and should not venture out of home. They used to abuse the respondent and torture her.

3.It is further alleged that when the respondent made a decision to go separate, the Petitioner's parents got angry and

did not provide food to the respondent. On 29.05.2017 the petitioner had dropped the respondent at Chinnampatti bus stand, demanding that he should be provided with two wheeler and other house hold articles, else he would not take her back to her matrimonial house.

4. On 30.05.2017, the respondent's parents visited the petitioner's house and pleaded for joint living of the petitioner and the respondent and that was not accepted by the petitioner and his family members. On the basis of these allegations, complaint was given.

5. The learned Counsel for the petitioner submitted that allegations made in complaint in DVOP No.4 of 2018 are general in nature and all these allegations are false and it was only for the purpose of filing complaint. There is no truth in these allegations and therefore the proceedings in DVOP No.4 of 2018 has to be quashed.

6. Considered the submissions of the learned Counsel for the petitioner and perused the records.

7. This is a petition to quash the proceedings in DVOP No.4 of 2018. The proceedings can be quashed, if the proceedings are abuse of process of law. We have to take all the allegations made in the complaint as true and even thereafter if there is no case made out, the complaint can be quashed. But that is not the case here. There are allegations made against the petitioner by the respondent as mentioned above. The truth or falsity of these allegations cannot be gone into now and this is a matter for trial and decision will have to be taken on the basis of the evidence produced by the parties.

8. As of now, the allegations made in the complaint have to be taken as true. When the allegations are taken as true, this Court finds that the respondent has made out the case for instituting the complaint under the Protection of Women from Domestic Violence Act, 2005. Section 3 (a) of the Protection of Women from Domestic Violence Act, 2005 Act reads that if 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. As per the allegations made in the complaint, there is a case for physical abuse, sexual abuse, verbal abuse and emotional abuse.

9. Therefore this Court finds that there are enough materials to proceed against the petitioner in DVOP No.4 of 2018 and in this view of the matter, prayer for quashing the proceedings

cannot be entertained. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gd/ay

To

The Judicial Magistrate,
Omalur, Salem District.

Copy To
The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Mr.M.Senthilkumar, Advocate, S.R.No.49415

C.R.P.No.2032 of 2021
and
C.M.P.Nos.15419 & 15422 of 2021

MG(CO)
CS/13/10/2021