

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.2266 of 2021
and C.M.P. No.17200 of 2021

1.A.Sridhar
2.A.Lakshmi

Petitioners

versus

R.Krithika

Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to call for the records in D.V.C.No.2 of 2021, on the file of the learned Judicial Magistrate, Kanchipuram and quash the same.

For Petitioners

Mr.S.Singgaranelan
Senior Counsel

ORDER

This Civil Revision Petition is filed, to call for the records in D.V.C.No.2 of 2021, on the file of the learned Judicial Magistrate, Kanchipuram and quash the same.

2. The learned Senior Counsel for the petitioners submitted that, the respondent (wife) filed the complaint on 16.02.2020 against the petitioners and their family members to the Inspector of Police, W33 All Women Police Station, Puzhal. Subsequently, the first petitioner's father Anandan, gave complaint against the respondent and her family members. F.I.R. in Crime No.47 of 2020 in Madhavaram Police Station under Sections 294(b), 323, 506(1) of IPC has been registered. The learned counsel further submitted that, the respondent received all the articles. Despite receiving the articles, she has filed an application in Domestic Violence Act only with a view to harass the petitioners. The respondent has also filed Divorce Petition on the ground of cruelty against the first petitioner. This petition was filed only to harass the petitioners and their family members. Therefore, the learned Senior Counsel for the petitioners prayed for calling for the records in D.V.C.No.2 of 2021 and quash the same.

3. The reading of the complaint filed under Sections 18, 19, 20 and 22 of The Protection of Women from Domestic Violence Act shows

that, several allegations have been made against the petitioners and others, alleging domestic violence including the demand of dowry and other articles. It is alleged that the petitioners abused the respondent physically and mentally, demanding more dowry. She was sent to her parental home seeking more money. Petitioners and their family members tortured the respondent, without giving food and water for few days and she was admitted in the hospital. First petitioner is an alcoholic and come home after consuming alcohol and used to abuse the respondent in filthy language and beat her mercilessly. Her husband and his family members are used to abuse the respondent in filthy language. Stating these reasons among other reasons, the respondent filed the aforesaid compliant under the Protection of Women from Domestic Violence Act, seeking the relief of restraining the petitioners from disturbing her and to return of gold jewels, cash, payment of compensation, monthly maintenance etc.

4. Whether the allegations made in the complaint are true or not, cannot be considered now. It is a matter to be decided based on oral and documentary evidence produced before the Court. As of now, we have to

take these allegations are true and proceed further. If the allegations are taken as true, they squarely fit to the definition of domestic violence as defined under Section 3 of the Protection of Women from Domestic Violence Act 2005. There are clear allegations made with regard to the physical, verbal, emotional, abuse and economic abuse against the respondent. As already said, the truth or falsity of these allegations can be found out only in the trial. There is *prima facie* case to proceed further against the petitioners under the Protection of Women from Domestic Violence Act. Therefore, this Court is not inclined to call for the records in D.V.C.No.2 of 2021 and quash the same. Considering the fact that, the second petitioner is an woman and mother of the first petitioner, personal appearance of the second petitioner, is dispensed with. The learned Judicial Magistrate, Kanchipuram, is directed to insist the appearance of the second petitioner only when it is absolutely necessary.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

20.10.2021

Speaking order / Non-speaking order
Index : Yes / No

sri

To

The Judicial Magistrate,
Kanchipuram.



WEB COPY

G.CHANDRASEKHARAN, J.

sri



C.R.P. (PD) No.2266 of 2021
and C.M.P. No.17200 of 2021

WEB COPY

20.10.2021