



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	07.07.2022
Pronounced on	02.08.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

1.Dr.Kirubakaran

2.K.Jayanthi

3.Dr.Mohana Priya

... Petitioners

Vs.

1.Dr.S.Priyadarshini

2.Dr.K.Arun Shanmuga Prasath

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the proceedings in D.V.Case No.5 of 2022, on the file of the Hon'ble Judicial Magistrate, Sriperumbudur, against the petitioners.

For Petitioners : Mr.R.Radha Pandian

For Respondents : Ms.Anuradha for

Mr.T.Surendran for R1

R2-Notice

ORDER



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

This Civil Revision Petition has been preferred to set aside the proceedings in D.V.Case No.5 of 2022, on the file of the Hon'ble Judicial Magistrate, Sriperumbudur, against the petitioners.

2. Heard the learned counsel for the petitioners as well as the learned counsel for the respondents and perused the materials available on record.

3. The revision petitioners are the respondents 2 to 4 in D.V.Case.No.5 of 2022, filed by the petitioner; the second respondent is the husband of the first respondent; according to the complaint given by the first respondent / wife, she was tortured by her husband, his parents and his sister; the marriage between the first respondent and the second respondent was held on 01.09.2019 at Tiruttani; both the respondents are doctors by profession; the second respondent's father who is the first revision petitioner is also a doctor; the sister of the second respondent who is the third revision petitioner, is also a medical practitioner; it is alleged by the first respondent / wife that she was ill-treated by the second respondent and the revision petitioners and made her to do menial works, though the maids are available at the matrimonial home; at



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

some point of time, the third petitioner even manhandled and abused her that she would terminate the pregnancy of the first respondent.

4. It is further alleged that the first petitioner tried to sexually abuse the first respondent and when it was informed to the second respondent and the second revision petitioner (husband and mother-in-law), the second respondent convinced her and assured to move out with her to a separate premises; the second respondent had taken away the jewels of the first respondent and kept it in a separate locker which is jointly operated by the revision petitioners 1 to 3; the first respondent was not allowed to enter into the kitchen to cook anything at her option; but, she was made to do other menial works surrounding the house; it is also alleged that the revision petitioners along with the second respondent, demanded three crores as dowry by taking advantage of the fact that the first respondent is the only daughter to her parents.

5. On 24.03.2020, the first respondent asked her parents to take her back to their house; thereafter, the second respondent reduced his communication with her; even at the time when the first respondent delivered a



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

WEB COPY

baby, the second respondent was not available with her and stayed back at his home by listening to the advice of his mother; in the month of April 2021, the second respondent / husband came to the mother's house of the first respondent and asked her to leave the baby and accompany him; during June 2021, he sent a summons by filing a case in HMOP No.2620 of 2021, for restitution of conjugal rights; thereafter, the first respondent appeared in the Court and the matter was sent to Lok Adalat; subsequent to certain negotiation, on 13.12.2021, the parents and elders left the first respondent in the house of the second respondent; thereafter, the second respondent once again started to behave rudely to her.

6. According to the first respondent, the second respondent was not kind to the child and locked the baby inside the room; the second respondent was also in the habit of having narcotic substance like Ganja and other narcotic drugs for his use; when this was found by the first respondent, he got mad and assaulted her badly; thereafter, on the information given to her parents, they came and took her to the Savitha Medical College and Hospital and in the Hospital, police came and enquired her; however, the first respondent did not want to take any legal action against the second respondent



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

for the sake of family peace; but the first revision petitioner had given a complaint against the first respondent and that was later found to be false by the police; since the first respondent was found to have got physically and mentally abused at the hands of the petitioners 1 to 3, she has given a complaint under Domestic Violence Act during February 2022 for seeking protection order for the person and property and for compensation.

7. The learned counsel for the revision petitioners submitted that the complaint given by the first respondent / wife to the Magistrate under the Domestic Violence Act, is only a counterblast for the petition filed by the second respondent / husband for divorce. The allegations made by the first respondent against the revision petitioners are all false. In fact, the third revision petitioner is in USA. Just in order to exaggerate the allegation, the first respondent has given the complaint against the parents and the sister of the second respondent. The first revision petitioner has got a good reputation as a doctor. On 11.12.2021, in view of the settlement arrived at Lok Adalat, the respondents 1 and 2 have started to live together and thereafter, the first respondent hardly lived with the second respondent. In fact, the revision petitioners are in no way connected to the allegations stated by the first



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

respondent.

WEB COPY

8. Despite the first respondent has made allegations against her husband, his parents and sister, the records would show that the third revision petitioner who is the sister-in-law of the first respondent, got married and left to USA on 28.02.2021. The complaint was given by the first respondent under the Domestic Violence Act only on 21.02.2022. Even in the allegations made in the complaint, there is only a single reference made about the third petitioner. In fact, the third petitioner got married and left to USA during February 2021 itself.

9. After the settlement at Lok Adalat held on 11.12.2021, the first respondent came to her matrimonial home with the child on 13.12.2021. It is alleged that even at that time, the third revision petitioner was not there and the first respondent was told by the second respondent that she had gone to USA. For the incident that had taken place on 30.12.2021, the first respondent was said to have taken to Savitha Medical College Hospital. When the police came there for enquiry, she told them that she did not want to pursue any further legal action. It is not alleged by the first respondent that on 13.12.2021,



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

when she left with her husband, the revision petitioners 1 to 3 were also at his house. The first respondent has condoned the previous allegations against her husband and her in-laws by waiving to give any complaint to the police when they came to Savitha Medical College Hospital on 30.12.2021.

10. In view of the Lok Adalat settlement held on 11.12.2021, the first respondent stayed at the second respondent's house between 13.12.2021 and 30.12.2021. When she was taken to Savitha Medical College Hospital, there cannot be any involvement of the revision petitioners 1 to 3. Despite it is alleged that the revision petitioners 1 to 3 also threatened herself and her parents by demanding dowry, no specific date and time about the said demand is mentioned. At the risk of repetition, it is confirmed that on 30.12.2021, the first respondent did not want to take any action against her husband and in-laws by giving any police complaint. For the unpleasant conduct of the first respondent, the revision petitioners 1 to 3 cannot be held responsible.

11. The allegation of the first respondent is that on 30.12.2021,



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

WEB COPY

she was manhandled by the second respondent. She has not stated that she has returned from the matrimonial house. The specific contention is that after the incident on 30.12.2021, she was disowned by her husband and his parents. So, the allegation of violence or abuse can only be relevant to a specific date i.e., 30.12.2021. Since the first respondent / wife has condoned the earlier act of her husband and her in-laws and started to live with him on the basis of the award of the Lok Adalat and rejoined her husband on 13.12.2021, there cannot be any reason for taking action against the revision petitioners under the Domestic Violence Act. So, on the basis of the allegations and averments made in the petition of the first respondent, the Domestic Violence Case can be maintainable only against the second respondent and not against the in-laws or the sister-in-law of the first respondent. Therefore, the proceedings in Domestic Violence Case No.5 of 2022, shall be struck off as against the revision petitioners herein.

12. Accordingly, this Civil Revision Petition stands allowed and the proceedings in D.V.Case No.5 of 2022, on the file of the Hon'ble Judicial Magistrate, Sriperumbudur, against the petitioners, is set aside. No costs. Consequently, connected miscellaneous petition is closed.



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

WEB COPY

Index: Yes/No
Speaking / Non Speaking Order
gsk

02.08.2022

To
The Judicial Magistrate, Sriperumbudur.



WEB COPY



C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

R.N.MANJULA, J.

gsk

C.R.P (PD).No.1589 of 2022 and
C.M.P.No.7991 of 2022

02.08.2022