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C.R.P.No.229 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.229 of 2023

and

C.M.P.Nos.1886 & 1889 of 2023

1.Subramaniam

2.Easwari

3.Jayapal

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Petitioners

Vs

1.Chitra

2.The Honey Well Technology Solutions Lap Private Limited

Having its office at

Survey #96 & 97, Boganahalli Village,

Survey #72/2 & 72/5, Doddakananahalli,

Bangalore, Karnataka – 560 103.

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Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records pertaining to DVA No.2 of 2022 pending on the file of the Learned Judicial Magistrate Court, Dharapuram



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and strike out the petitioners name and the same as abuse process of law and by allowing the present Civil Revision Petition.

For Petitioner : Mr.C.S.Saravanan

ORDER

The Civil Revision Petition is filed to strike off DVA No.2 of 2022.

The revision petitioner is the father-in-law of the first respondent/complainant who instituted a domestic violence proceedings in DVA No.2 of 2022 on the file of the Judicial Magistrate Court at Darapuram.

2.The learned counsel for the petitioner states that the marriage between the first respondent/complainant and the son of the revision petitioner was solemnised on 17.02.2019 and unfortunately, the son of the revision petitioner died on 19.04.2021. Regarding the settlement of the service benefits of the deceased employee, the revision petitioner claims certain benefits and the first respondent/complainant also claims the service



benefits of her deceased husband to be settled in her favour in entirety. That apart, further allegations are also raised with reference to the conduct of the revision petitioner as father-in-law. The learned counsel for the petitioner states that there is no dowry harassment or demand of money from the first respondent complainant and thus, the DV proceeding is not maintainable and is to be struck off.

3.This Court is of the considered opinion that the revision petitioner has mis-construed the scope of the provisions of the Protection of the Women from Domestic Violence Act 2005, Section 3 provides definition of domestic violence extracted as under:

3. Definition of domestic violence.—For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

(a) 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;

or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security;

or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b);

or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person. Explanation I.—For the purposes of this section,—

(i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;



(iii) *“verbal and emotional abuse” includes—*

(a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

(iv) *“economic abuse” includes—*

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like



or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household. Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

4.The domestic violence defined, would reveal that even economic abuse is a ground for institution of DV proceedings. More specifically Section 3(iv)(a) states that economic abuse include “*deprivation of all or*



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any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;”

5. Therefore, the scope of definition contemplated under economic abuse is wide enough to cover, preventing the aggrieved women from getting the service benefits from the employer also. It is also a triable offence since the right to livelihood would be affected in the event of preventing the aggrieved women from getting the monetary benefits from the employer, for whom the deceased husband of the aggrieved person had served. Thus, the definition not only includes, mental harassment but also includes verbal, emotional and economic abuse.



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6.In the present case, the first respondent/complainant raised several allegations which all are to be inquired into by the competent Court. Mere statement before this Court that the petitioner has not committed any such offence would be insufficient to strike off the complaint itself and thus, the petitioner is at liberty to defend the case before the Court concerned.

7.In view of the facts and circumstances, the petitioner has not made out any acceptable ground for the purpose of considering the relief as such sought for in the civil revision petition. Accordingly, the Civil Revision Petition stands **dismissed**. However, there shall be no order as to costs. Consequently, the miscellaneous petitions are closed.

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Speaking Order
Internet : Yes
Index: Yes



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S.M.SUBRAMANIAM, J.

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