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C.R.P.No.93 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 19.01.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**C.R.P.No.93 of 2023**

**and**

**C.M.P.No.692 of 2023**

1.Mr.P.Suresh Kumar  
2.Mrs.Thangam Palanisamy  
3.Mrs.Hemachithra  
4.Mr.Suresh Kumar  
5.Ms.Rani

... Petitioners

Vs.

1.Mrs.R.Prithi Silviya  
2.Mr.N.Arun Kumar  
3.Mrs.Latha Natarajan

... Respondents

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in D.V.A.No.183 of 2022 on the file of the Special Court for Trial of Domestic Violence Act Cases, Coimbatore and strike off the same.

For Petitioners

: Mrs.S.Kalai Selvi



## **ORDER**

The Civil Revision Petition has been filed to strike off the complaint registered in D.V.A.No.183 of 2022 on the file of the Special Court for Trial of Domestic Violence Act Cases, Coimbatore.

2. The revision petitioners are the relatives of the husband of the complainant/first respondent herein.

3. The learned counsel for the revision petitioners mainly contended that the revision petitioners are not falling within the definition of 'Domestic Relationship' under the provisions of the Protection of Women from Domestic Violence Act, 2005 and thus, the complaint registered against the revision petitioners are to be struck off.

4. The learned counsel for the revision petitioners reiterated that the allegations set out in the complaint are false and frivolous and the revision petitioners are no way connected with the matrimonial relationship between the respondents 1 and 2, who are wife and husband. The complaint is



motivated and the revision petitioners have been unnecessarily implicated in the DVC Proceedings and thus, the proceedings are to be struck off.

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5. The copy of the Domestic Violence Complaint given by the first respondent / Smt.R.Prithi Silviya, which is enclosed in Page No.17 of the typed set of papers filed along with the Civil Revision petition reveals that the revision petitioners are the relatives of the husband of the complainant. Holistic reading of the complaint would reveal that the allegations are to be enquired into. There are specific allegations against the revision petitioners as they are living in joint family in the same building. While so, the revision petitioners cannot be excluded from the definition of the 'Domestic Relationship' as enumerated under Section 2 (f) of the Protection of Women from Domestic Violence Act, 2005

6. Section 2 (f) of the Protection of Women from Domestic Violence Act, 2005 reads as under:

**2 (f) “Domestic Relationship”** means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by



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*consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.*

7. Relationship between the parties have been clearly stated in the complaint filed by the first respondent and therefore, the ground raised in this regard by the revision petitioners are untenable and deserves no merit consideration.

8. DVC complaints cannot be struck off in a routine manner by the High Courts. When there are allegations set out in the complaint, then an enquiry is certainly warranted. Courts are expected to be slow in entertaining quash petitions against the DVC proceedings, since certain matrimonial related offences are to be tried by conducting a trial. Certain incidents may be clear or unclear in the complaint and even in respect of such allegations, Court need not draw any inference and allow the trial Court to conduct an enquiry in the interest of justice. Thus, merely raising a doubt regarding the allegations would be insufficient to quash the DVC proceedings. If there are allegations in the complaint and such allegations are falling within the scope



of the DVC Act, then the trial becomes essential and the parties must be afforded with an opportunity to establish or defend their case.

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9. Perusal of the complaint in the present case reveals that there are allegations against the revision petitioners, who all are the relatives of the second respondent, who is the husband of the complainant and thus, all such allegations are to be enquired into and the complainant must be afforded with an opportunity to establish the complaint in the manner known to law.

10. In view of the facts and circumstances, this Court do not find any acceptable reason to entertain the Civil Revision Petition and consequently, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**19.01.2023**

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Index : Yes  
Speaking order  
Neutral Citation : Yes



To

The Special Court for Trial  
of Domestic Violence Act Cases,  
Coimbatore.

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**S.M.SUBRAMANIAM, J.**

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