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C.R.P.No.63 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.63 of 2023

and

C.M.P.Nos.503 & 509 of 2023

1.N.Radhakrishnan

2.Mythili

3.Durga @ R.Durgalakshmi

... Petitioners

Vs.

1.K.Madhura

2.R.Sankara Narayanan

... Respondents

Prayer: Civil Revision Petition is filed under Section 227 of the Constitution of India, to quash the impugned proceeding in D.V.C.No.48 of 2022 on the file of the Additional Mahila Court at Alandur, as against the petitioners.

For Petitioners : Mr.V.Vijayakumar

For Respondents : Mr.N.Siva Prakash



WEB COPY

C.R.P.No.63 of 2



ORDER

The civil revision petition has been instituted to quash the proceedings in DVC.No.48 of 2022 pending on the file of the Additional Mahila Court at Alandur.

2. The marriage between the petitioner and the respondent were solemnised on 03.02.2017 as per Hindu Rites and Customs. Due to disputes between the husband and the wife, they are living separately. The 1st respondent filed a complaint before the Additional Mahila Court, Alandur, which was registered as D.V.C.No.48 of 2022. The petitioners 1 and 2 are the parents of the 2nd respondent husband and the 3rd petitioner is the sister of the 2nd respondent husband.

3. The respective learned counsels appearing on behalf of the petitioners 1, 2 and 3 made a submission that the allegations are false and the petitioners 1 and 2 are residing at Kumbakonam and not living with the respondent 1 and 2 after their marriage. Thus, the allegations against the respondents 1 and 2 are false and they have not entered with the matrimonial life of the respondents 1 and 2. As far as the 3rd petitioner is



concerned, it is contended that she is the sister of the 2nd respondent husband and she is living separately along with her family and she was unnecessarily being implicated in the DVC proceedings and thus, the proceedings are to be quashed in respect of all the 3 petitioners.

4. The 1st respondent and the 2nd respondent appeared in person. This Court examined the 1st respondent, who in turn, informed that she had undergone untold mental agony and narrated certain incidents, which all are narrated in the complaint presented before the Additional Mahila Court. The respondent husband also informed that there is no possibility of reunion. However, the 2nd respondent husband admitted that the jewellerys and certain belonging of the 1st respondent wife is in his house and he ensured that he will handover all her belonging including jewellerys to the 1st respondent within a period of one week from today.

5. As far as the petitioners are concerned, there are certain allegations in the complaint, which all are serious and warranting an enquiry. It is not as if, there is no allegation against all the 3 petitioners. Perusal of the entire complaint reveals that the 1st respondent narrated spontaneously, which shows that there is a *prima facie* case warranting an enquiry. Thus, this



Court is not inclined to exonerate the petitioners from the DVC proceedings.

The DVC proceedings need not be quashed ordinarily and only in case there is no absolute allegations against the parents or in-laws, then alone the Court would be in a position to consider quashing of the proceedings and not otherwise. Wherever there are certain allegations against in-laws, parents, relations, etc., who all are falling under the domestic relationship, then an enquiry is to be conducted and the parents must be afforded with an opportunity to defend their case in the manner known to law.

6. Quashing the proceedings in a casual manner would cause prejudice to the interest of the victim and more so, it would pave way for the offenders to escape from the clutches of the provisions of the Act. Thus, the Courts are expected to be cautious, while quashing such proceedings in marriage related offences. The DVC Act is a special Act enacted for the purpose of dealing with the offences, when the persons are in the domestic relationship. While so, certain allegations found to be serious are to be enquired into in the interest of justice. Merely because a person claims that he is residing away from the matrimonial home, the same would not be a ground to quash the entire proceedings.



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7. In the present case, the petitioners 1 and 2 states that they are residing at Kumbakonam and the said ground would be insufficient to quash the entire proceedings as the petitioners had visited the residence of the 1st respondent and more so, there were certain quarrel between the in-laws. This being the complex facts and circumstances, this Court do not form an opinion for quashing the proceedings. Contrarily, an enquiry alone would reveal the truth behind the allegations. Thus, the parties have to establish their case through documents and evidences before the Trial Court in which the proceedings are initiated.

8. Further, the 2nd respondent in person has given an undertaking that he will hand over all the belongings including jewelleries to 1st respondent within one week from today and in respect of the allegations set out in the complaint, the parties are at liberty to contest.



9. With these observations, this Civil Revision Petitions stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.01.2023

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order

To

The Judge,
Additional Mahila Court,
Alandur.



WEB COPY

C.R.P.No.63 of 2



S.M.SUBRAMANIAM, J.

Jeni

C.R.P.No.63 of 2023

12.01.2023