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C.R.P.No.91 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.91 of 2023

and

C.M.P.Nos.684 & 686 of 2023

M.Latha

... Petitioner

Vs.

1.Dr.Prema Rajendran

2.S.Rajendran

... Respondents

Prayer: Civil Revision Petition is filed under Section 227 of the Constitution of India, to pass an order to struck off the complaint filed in the D.V.C.No.16 of 2022 pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai as against the petitioner / 2nd respondent in the facts and circumstances of the case.

For Petitioner

: Ms.V.Anusha

Mr.R.Vinoth Raja
Government Advocate
[Criminal Side]



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ORDER

The civil revision petition is filed to struck off the complaint filed in D.V.C.No.16 of 2022 pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The petitioner states that the 1st respondent is the Medical Practitioner and the 2nd respondent is the husband of the 1st respondent and he is a retired person. The petitioner was working as house maid in the residence of the respondents husband and wife from the year 1999 onwards. She was the domestic helper at their residence and after sometimes the respondent 1 and 2 started living separately under the same roof. There was a dispute between the husband and wife and the petitioner was unnecessarily dragged into the dispute. The 1st respondent filed a complaint before the XVIII Metropolitan Magistrate Court at Saidapet under the Domestic Violence Act and the petitioner was also implicated in the DVC proceedings seeking relief against the petitioner.

3. The learned counsel for the petitioner mainly contented that the petitioner is not falling within the definition of 'Domestic relationship' under



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Section 2(f) of the Act. Even under Section 2(a) of the Act, the 1st respondent cannot be construed as an aggrieved person as far as the petitioner is concerned. Section 2(q) defines 'respondent' means any adult male person, who is, or has been in a domestic relationship with an aggrieved person and against whom the aggrieved person has sought any relief under this Act. Relying on Section 2(a), 2(f) and 2(q), the learned counsel for the petitioner contends that the complaint under the Protection of Women from Domestic Violence Act is not maintainable against the petitioner and thus, she may be exonerated from the proceedings, since relief has been sought for against the petitioner in the complaint by the 1st respondent.

4. In order to find out the situation and to ensure the safety of the 1st respondent, who is the senior woman citizen, this Court directed the learned Public Prosecutor to ascertain the status of the complainant / 1st respondent, who is residing along with the 2nd respondent against whom the complaint was filed under the Domestic Violence Act.

5. The learned Public Prosecutor with the assistance of the Jurisdictional Police verified the status of the respondents 1 and 2 and found that 1st respondent is the Doctor and with the assistance of a separate maid,



she is leading her life. However, the petitioner in the present revision petitioner left her job as maid servant during April 2022 and now she is not working in the residence of the respondents. While so, learned Public Prosecutor informed this Court that she is residing safely in the house.

6. In view of the fact that certain allegations are raised against the petitioner, the 1st respondent senior woman citizen is at liberty to file a separate complaint before the Jurisdictional Police, if she has chosen to do so. As far as the Domestic Violence Act is concerned, the petitioner / maid servant, who was working in the residence of the respondents 1 and 2 is not falling within the definition of the Act and thus, the proceedings are liable to be quashed as far as the petitioner erstwhile maid servant is concerned.

7. Accordingly, the complaint filed in D.V.C.No.16 of 2022 pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai stands quashed only with reference to the revision petitioner M.Latha is concerned and in respect of the other respondents, the Magistrate Court shall proceed and dispose of the complaint as expeditiously as possible. The 1st respondent Dr.Prema Rajendran is at liberty to file a separate complaint, if she has



chosen to do so before the Jurisdictional Police for initiation of appropriate action.

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8. Accordingly, this Civil Revision Petition stands allowed. However, there shall be no orders as to costs. Consequently, connected Miscellaneous Petitions are closed.

12.01.2023

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order

To

1.The XVIII Metropolitan Magistrate,
Saidapet,
Chennai.

2.The Public Prosecutor,
Madras High Court.



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S.M.SUBRAMANIAM, J.

Jeni

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