



CRP (MD) No.1222 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	08.08.2023
Pronounced on	13.12.2023

CORAM

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P.(MD) No.1222 of 2023

and

C.M.P.(MD) No.5895 of 2023

1.S.Karunanithi

2.K.Savithiri

... Petitioners

Versus

1.M.Kiruthika

2.Minor.K.Raksha

3.Minor.K.Rakshit

(Both Minors represented by mother and natural guardian M.Kiruthika, the 1st respondent)

... Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records relating to the petition in D.V.O.P.No.24 of 2021 on the file of the Learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same.



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For Petitioners : Mr.R.Velmurugan
For Respondents : Ms.M.Viji

ORDER

This Civil Revision Petition is preferred to quash the proceedings in D.V.O.P.No.24 of 2021 on the file of the Learned Judicial Magistrate, Additional Mahila Court, Madurai.

2. According to the revision petitioners, their son and the first respondent were living separately from the date of their marriage. The petitioners' son and the first respondent, soon after their marriage went to Bangalore and resided there. Thereafter, they were transferred to Chennai and were living together. The petitioners who are father-in-law and mother-in-law of the first respondent were living separately at Madurai. There is no domestic relationship as defined under Section 2(f) of The Protection of Women from Domestic Violence Act, 2005. As there is no shared house hold between the petitioners and the first respondent as defined under Section 2(s) of the Act and as such the proceedings against the petitioners is not maintainable and impleading them in the above D.V.O.P proceedings is a



clear case of abuse of process of law. Hence, the proceedings against the revision petitioners in D.V.O.P No.24 of 2021 is liable to be quashed.

3. On the other hand, the learned counsel appearing for the first respondent would submit that marriage between the petitioners' son and the first respondent took place on 11.12.2009 and they went to Bangalore and started their matrimonial life and thereafter, they were transferred to Chennai. While so, the petitioners started harassing the first respondent for not having a child. They also induced their son to divorce the first respondent and persuaded him to marry his maternal uncle's daughter. Meanwhile, the first respondent gave birth to two children. Thereafter, the husband of the the first respondent and the revision petitioners started harassing the first respondent by demanding Rs.10,00,000/- for starting a software company. Since the first respondent and her parents were not able to meet out their demands, the revision petitioners along with their son started harassing the first respondent physically and mentally. Therefore, she filed a complaint before the Judicial Magistrate, Madurai in D.V.O.P.No.24 of 2021. Hence, the petition filed by the revision petitioner is liable to be dismissed.

4. Heard the learned counsel on both sides and perused the



materials on record.

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5. The factum of marriage is not in dispute. Even according to the first respondent, after the marriage, the first respondent along with petitioners' son lived in Bangalore and thereafter, they got transferred to Chennai. To invoke the provisions under The Protection of Women from Domestic Violence Act, 2005, there must be a domestic relationship between the parties as defined under Section 2(f) of the Protection of Women from Domestic Violence Act, 2005 and the revision petitioners should share household along with the 1st respondent/wife as defined under Section 2(f) of the Act.

6. In the present case, admittedly, the revision petitioners are living separately from the first respondent and their son. Therefore, in the absence of 'share in house hold' between the complainant/first respondent and the revision petitioners, the complaint against them is not maintainable. Moreover, on perusal of the complaint, nowhere it is stated that the petitioner were residing along with the first respondent. So, it is clear that the first



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respondent/wife had included the names of the petitioners with an ulterior motive. Therefore, the proceedings against the revision petitioners are quashed. However, the learned Judicial Magistrate, Madurai, is directed to proceed with the above proceedings against the other respondents in D.V.O.P.No.24 of 2021 and dispose the matter as early as possible, within a period of six(6) months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is allowed and the connected miscellaneous petition is closed. No costs.

13. 12.2023

dpa

Index: Yes/No

Speaking Order : Yes/No

To

The Judicial Magistrate,
Additional Mahila Court,
Madurai

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K.GOVINDARAJAN THILAKAVADI,J.

dpa

ORDER MADE IN

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and
C.M.P.(MD) No.5895 of 2023

13.12.2023