



C.R.P.No.1346 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1346 of 2022

and

C.M.P.No.7057 of 2022

1.S.Shanmugavel

2.S.Chellammal

3.S.Kalai Selvi

... Petitioners

Vs.

1.M.Lakshmipriya

2.S.Sudarjothi

... Respondents

PRAYER: Revision filed under Article 227 of the Constitution of India praying to quash the proceedings in D.V.No.43 of 2021 on the file of V Mahila Court, Alandur insofar as the petitioners are concerned.

For Petitioners : Mr.C.Prabakaran

For respondents : Mr.A.Ramesh Manikandan for R1

: Not ready in notice for R2

ORDER

This revision seeks to quash Domestic Violence Case No.43 of



C.R.P.No.1346 of 2022

2021 on the file of the V Mahila Court at Ambattur.

WEB COPY

2. The parties will be referred to as per their ranks before the Trial Court.

3. The petitioner, Lakshmipriya had married the 1st respondent, Sudarjothi. From the wedlock, there were no children and therefore, the parties decided to adopt the IVF procedure for bringing forth the child. There is no dispute that a domestic relationship existed. There is also no dispute that the parties were living in a separate house.

4. According to the petitioner, she underwent the IVF procedure and during the course of undergoing the said procedure, her mother-in-law, Tmt.Chellammal, had threatened her and had informed her that unless and until the IVF succeeds, the mother-in-law will not permit her son to live with her. Apart from that, there are allegations that the father-in-law and sister-in-law also had threatened the petitioner/wife.

5. In order to satisfy the requirements of Section 3 of the Protection of Women from Domestic Violence Act, 2005, sufficient averments have been made. The definition of domestic violence is wide



C.R.P.No.1346 of 2022

enough not only to cover the physical harm that is suffered by a woman who is in a domestic relationship, but also includes verbal or emotional or economic abuse. It includes harassment of any kind which affects the well being of the partner in the marriage.

6. Mr.C.Prabakaran would submit that the petitioners herein have nothing to do with the alleged harassment stated by the wife, and therefore they are entitled to a quash as against the domestic violence complaint. All that I am concerned with is, whether, at face value, the domestic violence case attracts the provisions of the Act. Despite the vehement pleas of Mr.C.Prabakaran, I am not in a position to go into the merits of the case in order to come to a conclusion that the averments are false.

7. He would invite my attention to the notice and reply notice issued by the respective parties. He would point out that the averments made in the plaint have not been stated in the Advocate's notice and reply. Advocate's notice and reply are not the gospel truth and they merely set forth the instructions of the party. As to whether the averments made in the plaint are true or false can be gone into only at the time of



C.R.P.No.1346 of 2022

trial. Leaving it open to the petitioners herein to agitate all the matters, that have been raised by them before this Court, at the time of trial, I am dismissing the criminal revision petition.

8. I notice from the cause title that the father-in-law, Shanmugavel and mother-in-law, Chellammal are senior citizens. Taking into consideration their age, the learned Trial Judge is requested not to insist on their presence for every hearing. However, they shall be present for every hearing where their presence is indispensable. For all other hearings, their presence is not essential and they will be represented through a counsel. The 3rd petitioner, being a sister-in-law, will also get the benefit of the aforesaid order.

9. With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

30.04.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No



C.R.P.No.1346 of 2022

Sgl

WEB COPY To

The V Mahila Court,
Alandur.



WEB COPY



C.R.P.No.1346 of 2022

V.LAKSHMINARAYANAN, J.

Sgl

C.R.P.No.1346 of 2022

30.04.2024