



C.R.P.Nos.1270 & 1271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.Nos.1270 & 1271 of 2024

and

C.M.P.Nos.6713 & 6716 of 2024

B.Srividhya

... Petitioner in
C.R.P.No.1270 of 2024

Muruganathaswamy

... Petitioner in
C.R.P.No.1271 of 2024

Vs.

1.S.Sri Subhashini

2.B.Vikram Srikanth

3.M.Balasubramaniam

4.Samundi Bhuvaneswari

... Respondents 1 to 4 in
both C.R.Ps.

5.Muruganathaswamy

... 5th Respondent in
C.R.P.No.1270 of 2024

5.B.Srividhya

... 5th Respondent in
C.R.P.No.1271 of 2024



C.R.P.Nos.1270 & 1271 of 2024

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to strike down the proceedings with regard to the petitioner herein in D.V.C.No.10 of 2020 pending on the file of the Special Court to try cases filed under Domestic Violence Act, Coimbatore.

For Petitioner
in both C.R.Ps : Mr.K.V.Babu

For R1 : Mr.Babu Rangasamy
for M/s.Babu Rangasamy Associates

For R2 : No appearance

For R3 to R5 : Mr.Sai Prashanth

COMMON ORDER

The petitioners/R4 and R5 in D.V.C.No.10 of 2020 filed the revision petitions to strike down the proceedings against them.

2.The gist of the case is that the first respondent is the estranged wife of the second respondent B.Vikram Srikanth. The complaint lodged by the first respondent is that the marriage between the first respondent and the said B.Vikram Srikanth was solemnized on 17.02.2016 in a grand manner



at Grand Castle Wedding Hall, Bangalore. Prior to it, engagement was held

at Taj Vivanta at Coimbatore. During the marriage, 230 sovereigns of gold

ornaments, 12 kgs of silver articles, cash in hand and other household

articles worth Rs.1,50,000/- were presented. The first respondent parents

had incurred more than Rs.60 lakhs as expenses for the marriage. Even

from the date of engagement, the demand in one form or other had been

consistently made, the first respondent parents meeting all demands but they

were abused and insulted on many occasions. The first respondent parents

swallowed the insults for the only reason that their daughter must have a

happy matrimonial life. Even for the customary ceremonies like Pongal,

Deepavali, Aadi, Baby shower and medical expenses during pregnancy were

made by the first respondent's parents on demand. The first respondent was

ill-treated, assaulted and lucid comments were passed against the first

respondent and her family members were abused by using derogatory

remarks for the reason the first respondent's family was not as wealthy as

that of the petitioners. Several steps taken by the elders in the family and

common friends all ended in vain. After the child birth, the first respondent

and his family members never visited the hospital and enquired about the



mother and the child, despite the same the first respondent took the child to Bangalore but humiliation continued. The first respondent was never considered to be part of the family and she was kept away. Even for the Poojas in factory and functions, the first respondent was left out. Finally, the first respondent was forced out of the matrimonial home, her mobile number blocked, she was unable to communicate and as a preemptive, her husband sent a legal notice on 17.12.2018 which was immediately replied by the first respondent on 22.12.2018 expressing her willingness to join the matrimonial home and live together. Again, the first respondent was forced out of the matrimonial home and second legal notice was issued on 04.02.2019, reply was sent by the first respondent on 18.02.2019 and in the meanwhile, during April 2019, the first respondent came to know that her husband had suffered seizures, she went to Bangalore to meet her husband along with the child but she was not allowed and all her efforts failed. This being so, the first respondent's husband filed a divorce petition before the Family Court, Bangalore with false allegations. Having left with no other option, the first respondent finally lodged a domestic violence complaint against her husband, father-in-law, mother-in-law, sister-in-law and her



mother-in-law's father seeking restraintment order for a shared household, monetary relief, damages and other reliefs.

3.The contention of the learned counsel for the petitioner/R4 in C.R.P.No.1720 of 2024 is that the marriage between the first respondent and her brother took place in Bangalore followed by a reception at Coimbatore. The petitioner and her family are settled in Bangalore, where they were doing business. The complaint is nothing but a figment of imagination roped in one sweep the entire family members. The first respondent developed some difference of opinion with her husband, for that reason in one sweep the entire family, projected as though they committed domestic violence. The petitioner completed her B.E. in Biotech Engineering from Bangalore and pursued her M.Sc in Food Science from Leeds University, U.K. After completing her studies, she took up employment to achieve her profession ambition with outstanding, she was completely concentrating on her work, she had to travel 20 kms from her resident to her work place and in Bangalore, travelling 20 kms at peak hours would take several hours and she would return back late in the evening after the work,



her life style was hectic and she was unable to spend any time in the house.

On Sundays, whenever she was free she used to go out along with her friends, she seldom stayed together with the first respondent and they had only formal interactions. The relationship between the first respondent and her husband was not known to the petitioner except on two occasions when there was exchange of heated arguments between them. The petitioner intervened and pacified both of them, she never abused or abetted either her brother or her parents in any manner to humiliate the first respondent as projected in the complaint. The petitioner was engaged for marriage with a bridegroom at Tiruppur, at that time, to cause humiliation the first respondent's family contacted the petitioner's in-laws and bad mouthed about the petitioner. During the common functions, her in-laws were fed with false stories about the petitioner. The petitioner after her marriage is residing in Tiruppur with her in-laws and she has got nothing to do with the strained relationship between the first respondent and her husband. The petitioner has been falsely implication by casting aspersions to disturb her peaceful matrimonial life. Hence, the above petition filed.



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4.As regards the petitioner/R5 in C.R.P.No.1721 of 2024, the learned counsel for the petitioner submitted that he is a senior citizen aged about 90 years, residing in Coimbatore, as eldest in the family, he participated in the marriage and other ceremonies. Due to his age and health condition, he cannot take travel often and he rarely visits his daughter's house at Bangalore. He further submitted that the dispute between the first respondent and her husband and with others is not known to the petitioner/R5. He is one step short to the grave. Except for a sweeping allegation, there is no specific allegation against the petitioner/R5.

5.The learned counsel for the first respondent on the other hand vehemently opposed the petition stating that the petitioner/R4 in C.R.P.No.1720 of 2024 is the sister-in law of the first respondent. Right from the time of engagement, the petitioner, her family members and her brother joined together and making huge demands, harassing the first respondent and her family members and forcing them to meet out the demands by all means. The engagement was held in a Five Star Hotel at



Coimbatore on their compulsion and the marriage in a premium Hall in Bangalore. For all traditional visits like Aadi, Pongal, Deepavali, the demand was mounting. Added to it, whenever the petitioner's family comes to Coimbatore, they would insult the first respondent's parents and others. They humiliated and insulted the first respondent and her parents in public. The first respondent was not allowed to live freely and she was never considered as a part of the family. Even during pregnancy and post pregnancy, there was no concern or care and no proper medical aid provided. After the birth of the child, the first respondent and her family were on the fond hope that her husband and in-laws would have a change of heart but their harassment continued. The intervention of elders and family members failed. The first respondent was treated like a maid and she was insulted and insinuate words used against her. Unable to withstand anymore, the first respondent is now staying with her parents. Having chased her away from the matrimonial home, in offensive her husband filed a divorce petition before the II Additional Family Court, Bangalore in M.C.No.4752 of 2019. Thereafter, the first respondent lost all her hope and found the harassment unbearable filed a domestic violence complaint. The



petitioner is part of her in-laws family who had humiliated, insulted, harassed and committed domestic violence.

6.As regards the petitioner/R5, the learned counsel for the first respondent submitted that the petitioner/R5 being an elderly person, has been regularly contacting his daughter, son-in-law and grandson, instigating them to make demands for all the rituals. Even during the engagement and marriage, he was insisting for demand of dowry. The petitioner for his age and wisdom not taken any steps to resolve the issue for the well being for the first respondent, on the other hand, he abetted the domestic violence committed against the first respondent.

7.Considering the submissions made and on perusal of the materials, it is seen that the first respondent and the second respondent B.Vikram Srikanth got married, having a child and later due to some matrimonial discord, got separated. The petitioner/R4 studied B.E. and thereafter completed her higher studies in U.K and obtained a degree in Food Science from Leeds University. She took up employment in Bangalore and her



professional ambition was such that she was completely pin down with her work and she seldom had time to spend qualitative time at home. During the week days, the petitioner/R4 was engrossed with her work and in the weekends, she used to go around with her friends which is the normal conduct of any girl of that age in such social background. The complaint seems to be sweeping against the in-laws and there is no specific averments in the complaint that the petitioner had caused domestic violence. Added to it, the reliefs sought by the first respondent is not against the petitioner. The petitioner/R4 is now married, settled in Tiruppur with her new family leading her own way of life in the new environment. As regards the petitioner/R5 is a senior citizen, aged about 90 years and he is in the evening of his life. Hence, this Court finds that the allegations and averments in the complaint are not that specific against the petitioners/R4 and R5. In view of the same, this Court is inclined to allow these petitions by striking down the proceedings with regard to the petitioners/R4 and R5 in D.V.C.No.10 of 2020 pending on the file of the Special Court to try cases filed under Domestic Violence Act, Coimbatore.



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Consequently, connected miscellaneous petitions are closed

01.08.2024

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

The Special Court to try cases filed
under Domestic Violence Act,
Coimbatore.



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M.NIRMAL KUMAR, J.

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