



C.R.P.No.1579 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1579 of 2022
and CMP.No.7959 of 2022

Mahendran

... Petitioner

Vs

1.Loganayaki

2.Arvind

3.Inspector of Police

Arcot Town Police Station

Arcot.

... Respondents

Prayer : Civil Miscellaneous Petition filed under Article 227 of the Constitution of India praying to strike off the complaint made in D.V.C.No.02/2022 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 on the file of the District Munsif cum Judicial Magistrate Court, Arcot, filed against the petitioner.

For Petitioner : Mr.Adithya Varadarajan



WEB COPY



C.R.P.No.1579 of 2022

For Respondents : Mr.D.Saikumaran for RR1 & 2

Mr.C.Sathish
Government Advocate for R3

ORDER

This civil revision petition is filed to strike off the complaint preferred by the respondents 1 and 2 against the revision petitioner herein, in DVC.No.2 of 2022 before the District Munsif cum Judicial Magistrate, Arcot.

2.Heard Mr.Adithya Varadarajan, learned counsel for the revision petitioner and Mr.D.Saikumaram, learned counsel for respondents 1 and 2. Mr.C.Sathish, learned Government Advocate entered appearance for the third respondent.

3. The plea of Mr.Adithya Varadarajan is that between the very same parties, proceedings were initiated under Section 498-A of IPC in C.C.No.527 of 2007 before the Judicial Magistrate No.I, Vellore. That ended in a conviction. Against which, the revision petitioner preferred an appeal in Appeal No.256 of 2011 before the I Additional District and Sessions Court, Vellore, which resulted in acquittal on 25.04.2012. He drew my attention to



paragraph No.11 of the judgment of the Appellate Court to hammer the point that the petitioner and the respondent were not married, and since their marriage have not been proved, the case resulted in acquittal. He would therefore, plead that since the marriage had not been proved, the domestic violence petition in D.V.C.No.2 of 2022 filed before the Judicial Magistrate, Arcot, is not maintainable.

4. While marriage is an essential criteria to be proved for the purpose of getting conviction under Section 498-A IPC, the existence of matrimonial relationship between two persons is unnecessary for the purpose of Protection of Women from Domestic Violence Act, 2005. As per Section 2(f) of the said Act, if two persons are in domestic relationship, it would suffice for the purpose of the said Enactment. Marriage is not a condition precedent for domestic relationship. In fact, the Courts have extended this principle to even a situation where two persons are in live-in relationship under a shared household. Whether the revision petitioner and the first respondent are in a "shared household" or in live-in relationship are matters to be proved in the trial Court, and have to be decided by the learned Judge during the proceedings in DVC.No.2/2022. The point of lack of marriage cannot be a



C.R.P.No.1579 of 2022

ground for quashing the DVC proceedings. I am not in a position to come to the rescue of Mr.Adithya Varadharajan.

5. In the result, the civil revision petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

23.04.2024

Index:Yes/No
Speaking order/Non-speaking orders

To:

- 1.The Judicial Magistrate
Arcot
- 2.The Section Officer
VR Section, High Court, Madras.



WEB COPY



C.R.P.No.1579 of 2022

V.LAKSHMINARAYANAN,J.

ds

C.R.P.No.1579 of 2022

23.04.2024