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C.R.P. (PD) No.3480

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 03.09.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

**C.R.P. (PD) No.3480 of 2024  
and C.M.P.Nos.18839 & 18840 of 2024**

1.Anju Kumar  
2.Sampath Kumar  
3.Vasantha  
4.Priyanka Mohan Kumar

... Petitioners

Vs.

Swathy

... Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the entire records pertaining to D.V.A.No.77 of 2024 on the file of the Special Court to try cases filed under Domestic Violence Act, Coimbatore.

For the Petitioners : Mr.Mahesh Kumar .S

**ORDER**

This Civil Revision Petition seeks to quash the D.V.A.No.77 of 2024 on the file of the Special Court to try cases filed under Domestic Violence Act, Coimbatore.

2. The relationship between the parties is not in dispute. The 1<sup>st</sup> petitioner is the husband of the respondent. The petitioners 2 and 3 are his parents. The 4<sup>th</sup>



petitioner is his sister. The 1<sup>st</sup> petitioner and the respondent entered into matrimony on 06.04.2022. Thereafter, the parties set up their matrimonial home at Hosur. Alleging that she had undergone domestic violence, she filed a petition in D.V.A.No.77 of 2024. She had invoked the provisions of Sections 18, 20, 22 and 23 of Protection of Women from Domestic Violence Act, 2005.

3. According to her, there has been demand of dowry and in addition the husband as well as the other petitioners used to regularly indulge in verbally abusing her by using swear words. She would state that the sister-in-law had egged her husband to indulge in such abuse.

4. Mr.Mahesh Kumar would state that all these complaints are false. He would state that this is a case which cries out to quash the domestic violence proceedings by exercising the power under Article 227 of the Constitution of India.

5. The position of law with respect of quashing of domestic violence case has been laid down by the Supreme Court in ***Inderjit Singh Grewal Vs. State of Punjab and Ors.***, (2012 CrI L.J 309). In the said Judgment, the Supreme Court had directed the Courts exercising the powers to quash a complaint has to go through the averments made therein and if specific allegations are found against the parties, then



it directed that the party should be referred for trial.

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6. A perusal of the complaint in the present case in particular paragraph No.2 onwards makes out allegations which would attract Section 3 of the Protection of Women from Domestic Violence Act. Therefore, applying the Judgment as aforesaid to the facts of the present case, I am not in a position to come to the rescue of Mr.Mahesh Kumar's client.

7. At this stage, Mr.Mahesh Kumar would submit that the 1<sup>st</sup> Civil Revision Petitioner has suffered both physically and emotionally on account of the fact that his wife has moved away from him along with a year old daughter. He would submit that in case the matter is referred to mediation, there is a distinct possibility that the matter would be settled. He would therefore, wanted the matter to be referred to the mediation centre in Chennai.

8. I have considered the submission and I have to take note of the fact that the petitioners are the resident of Zuzuvadi, Hosur and the respondent-wife is a resident of Kuniamuthur in Coimbatore. Asking both the parties to come to Chennai might not be conducive as the wife would have to travel with a year old female child from Coimbatore to Chennai. This I feel might not be proper.



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