



CRP No.2841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

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CMP.No.15092 of 2024

E.Govindaraj : Petitioner

versus

1.M.Bhuvaneshwari  
2.Ms.G.B.Pooja : Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the order dated 23.08.2023 made in Criminal Appeal in C.A.No.81 of 2023 passed by the II Additional District and Sessions Judge, Vellore @ Ranipet, Vellore District confirming the Order dated 04.01.2023 made in CMP.No.1495 of 2022 in DVC.No.11 of 2021 passed by the District cum Judicial Magistrate, Ranipet.

For Petitioner : Mr.B.Sudhakar



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ORDER

This civil revision petition arises against the order of the learned II Additional District and Sessions Judge, Ranipet, Vellore District, in Criminal Appeal No.81 of 2023 dated 23.08.2023 in confirming the order of the learned District Munsif cum Judicial Magistrate at Ranipet in CMP.No.1495 of 2022 in DVC.No.11 of 2021.

2. DVC.No.11 of 2021 has been presented by the respondents as against the civil revision petitioner. There is no dispute in the relationship between the parties. The petitioner married the first respondent on 06.02.2014 at Chengalpet. From the wedlock, the second respondent was born on 04.09.2016.

3. The first respondent alleged that the petitioner never used to lend an ear to the troubles that the first respondent was facing or gave her any financial solace during the time they were living together. In addition, she would plead that the civil revision petitioner wanted only a boy child, but since a girl child had been born, and that too with health complications, he



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had forsaken/deserted the mother and child and started living separately in the BHEL compound at Ranipet. She would plead that Streedhana property worth about Rs.3,00,000/-, which her father had given at the time of her marriage, had been retained by her husband/petitioner, and he had been utilising the same for the past five years. Therefore, she had presented the aforesaid Domestic Violence Petition.

4. On being served with the petition, the husband moved an application in CMP.No.1495 of 2022, invoking the provisions of Order VII Rule 11. According to him, there was no cause of action for the Domestic Violence Petition and the domestic violence complaint itself is barred by limitation.

5. The learned Judicial Magistrate, on perusal of the complaint, came to the conclusion that the cause of action exists and therefore, dismissed CMP.No.1495 of 2022 on 04.01.2023.

6. Aggrieved by the same, the husband preferred an appeal before the



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learned II Additional District and Sessions Judge, Ranipet, Vellore District, which also came to be dismissed on 23.08.2023.

7. Aggrieved by the same, the present revision has been filed.

8. Mr.B.Sudhakar would submit that both the courts below had not appreciated the Domestic Violence Act properly and hence, dismissed the petition and appeal. He would state that the first respondent/wife did not seek any relief under Section 18(1) of the Domestic Violence Act and therefore, she is not entitled to maintain the petition. He would then add that in order to claim any benefit under the Act, the first respondent/wife would have to plead that she had suffered domestic violence at the hands of the husband. He would state that from a reading of the petition, it is clear that the husband and wife had been living separately from the year 2016 and therefore, the requirements of the Act had not met. He would state that these facts have not been properly analysed by the courts below, reflecting non-application of mind and hence, he would seek admission and stay of the proceedings.



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9. I have carefully considered the arguments of Mr.B.Sudhakar and gone through the records.

10. On his first point that unless and until, the wife seeks for a relief under Section 18, she is not entitled to maintain the domestic violence complaint, I am afraid that I am not in agreement with Mr.B.Sudhakar.

11. Under Section 12 of the Act, an application can be filed before the Magistrate by an aggrieved lady, who can claim one or more reliefs that has been provided under the Act. Section 18 is one such relief. Apart from Section 18, there are several other provisions, namely Section 19 which speaks about residence orders; Section 20 which speaks about monetary reliefs; Section 21 which speaks about custody and finally; Section 23 which deals with the compensation orders. Any one of the reliefs can be claimed by a wife under Section 12. It is not necessary that the wife, at all points of time, should claim the relief only under Section 18 and the other reliefs are subsidiary to such a claim.



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12. Each and every relief under Sections 18 to 22 are independent and separate. An aggrieved woman is entitled to invoke the provisions of the Act under Section 12 and seek any one of the claims. It is clear from the use of the word under Section 12 which speaks about “one or more reliefs granted under the Act”. Therefore, the first submission of Mr.B.Sudhakar has to necessarily be rejected.

13. At this stage, Mr.B.Sudhakar would invite my attention to the judgment of Bombay High Court in *Kishor vs. Shalini in Criminal Writ Petition No.37 of 2008 dated 30.03.2010*. Relying on this judgment, Mr.B.Sudhakar would submit that as the first respondent/wife had not made out any allegation as against the petitioner/husband, the petition is not maintainable.

14. A scan of the provision is necessary for this purpose. Under Section 2(a) of the Domestic Violence Act, any woman who is in a domestic relationship alleging domestic violence can make out a petition under



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Section 12 of the Act. With regard to what a domestic relationship is, it is defined under Section 2(f). Domestic violence is defined under Section 3. These definitions are wide. Being a welfare legislation, it has to be given the widest possible interpretation. It includes physical abuse, sexual abuse, verbal abuse, emotional abuse and economic abuse. Therefore, if the complaint contains any one of these abuses, that is sufficient for maintaining the petition.

15. This revision arises against an order stating that there is no cause of action. Therefore, I necessarily have to read the complaint to see whether the necessary pleadings are available in order to come to a conclusion. A reading of paragraphs 5 to 7 of the complaint shows that there has not only been verbal and emotional abuse, but there has also been economic abuse. It is alleged, the husband had not given any money for the wife's sustenance. Apart from that, he had not given any money for the purpose of treatment of the second respondent who is said to be suffering from a hole in the heart a Cardiac condition.

16. In paragraph 8, the first respondent has specifically pleaded that



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not a single paisa has been paid by the civil revision petitioner from his pocket for the past five years. She would state that she had to give up the opportunity to work because she has to take special care of the child. She also pleads that those, who have gone to the civil revision petitioner for the purpose of mediation, have all been turned back by using filthy and colloquial language against the first respondent and her family. The allegations taken at their face value, satisfy the requirements of Section 3 of the Act.

17. Insofar as the judgment of the Bombay High Court is concerned, a careful perusal of the judgment shows that in the complaint which was dealt with in that case had no averments attracting Section 3 of the Act. It was in those circumstances, the learned Judge proceeded to quash the complaint. This is clear from paragraph 9 of the said judgment. Such circumstances do not exist in the present case. Hence, the said judgment is inapplicable.

18. In the light of the aforesaid allegations made in the petition, I do not think that the learned II Additional District and Sessions Judge, Ranipet, Vellore District and the learned District cum Judicial Magistrate, Ranipet,



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have committed an error in dismissing the petition to reject the domestic violence complaint.

19. The civil revision petition only deserves one order and that is of dismissal. Accordingly, this civil revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

20. Taking into consideration the domestic violence complaint has been pending for the past three years, the learned District Munsif cum Judicial Magistrate, Ranipet is requested to give maximum attention possible to the same and dispose it as expeditiously as possible.

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Speaking Order/Non-speaking order  
Neutral Citation : Yes/No

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**V. LAKSHMINARAYANAN, J.**

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