



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.613 of 2023
and
CMP(MD)Nos.2811 & 2812 of 2023

Sivasakthi

... Petitioner

Vs.

1.D.Nathiya

2.Minor V.Prajna

3.Minor V.Pragathi

(Minors are rep.by
her mother, natural guardian
1st respondent/Nathiya)

4.M.Vijay

5.M.Devika

6.M.Sumitha

7.V.Murugesan

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the proceedings in DVC No. 14/2022 on the file of the Judicial Magistrate Court, Melur, Madurai District and strike off the same.



For Petitioner : Mr.B.Deepa

For Respondents : Mr.B.Bhuvaneshwari
for Ganesan Legist Law Firm

ORDER

This civil revision petition has been filed for quashing the impugned proceedings in DVC No.14 of 2022 on the file of the Judicial Magistrate, Melur insofar as the petitioner is concerned.

2.D.Nathiya and M.Vijay got married on 25.03.2010 at Madurai. Two girl children were born through the wedlock. Their marital relationship came under strain. Feeling aggrieved, Nathiya filed DVC No.14 of 2022 under various provisions of the Protection of Women from Domestic Violence Act, 2005. The petitioner herein was arrayed as the fifth respondent in the complaint. The allegation made against the petitioner is that she is having illicit relationship with Vijay and that Vijay had told Nathiya that after dissolving their marriage, he would marry the petitioner herein.

3.The petitioner vehemently denies the allegations made against her. I need not go into the factual disputes. This revision petition can



be disposed of on a legal ground. Section 2(q) of the Central Act 43 of 2005 is as follows :

"2.Definitions.—In this Act, unless the context otherwise requires,—

.....

(q) "respondent" means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act

Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner."

The above definition should be understood in the light of the decision of the Hon'ble Supreme Court reported in **(2016) 10 SCC 165 (Hiral P.Harsora v. Kusum Narottamdas Harsora)**. Any aggrieved wife or female living in a relationship in the nature of a marriage can file a complaint under the said Act. The respondents can be the husband/male partner and his relatives. In **M.Muruganandam v. M.Megala (2011) 1 CTC 841**, it was held that the expression "relative" is not defined under the Act and therefore, the word has to be given its normal meaning in common parlance. In P.Ramanatha Aiyar's Advanced Law Lexicon, the word "relative" is defined as any person



related by blood, marriage or adoption and living with the respondent.

Though in Black's Law Dictionary, the word "relative" is defined as a person connected with another by blood or affinity, I would rather go by Ramanatha Aiyar's definition. We have to understand the word "relative" in Indian cultural context. A learned Judge of the Orissa High Court in ***Rabindra Kumar Mishra v. State of Odisha (CRLMC No. 2334 of 2021)***, held that in as much as the person arrayed as respondent is not related by consanguinity, marriage or relationship in the nature of marriage or adoption, the mere allegation that the husband of the complainant has an illicit relationship with her is not a sufficient ground to entangle her in a case under the Domestic Violence Act.

4.The petitioner cannot be called as the relative of the complainant's husband. The impugned proceedings are not maintainable against her. They stand quashed insofar as the petitioner is concerned.

5.The learned Judicial Magistrate, Melur is directed to dispose of DVC No.14 of 2022 on merits and in accordance with law within a period of three months from the date of receipt of copy of this order.



Registry to mark a copy of this order to the learned Judicial Magistrate,
Melur.

6.This civil revision petition is allowed. No costs. Consequently,
connected miscellaneous petitions are closed.

06.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SKM

To

The Judicial Magistrate Court,
Melur.



G.R.SWAMINATHAN,J.

SKM

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