

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.600 OF 2024

Kaarthic Manickam

...Applicant

Versus

Pavitra Srinivasan W/o Kaarthic Manickam

...Respondent

**WITH
INTERIM APPLICATION NO.63 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.600 OF 2024**

Kaarthic Manickam

...Applicant

Versus

Pavitra Srinivasan W/o Kaarthic Manickam

...Respondent

Mr. Prakash Naidu a/w Ms. Daksha M. Punghera, for the Applicant.

Mr. Vinay V. Nair (Through VC) a/w Riddhi Tendulkar & Venkatesh Jairam, for the Respondent.

Ms. Dhanalakshmi Krishna Iyer, APP, for the State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 02 MAY 2025

P.C.:

1. Heard Mr. Prakash Naidu, learned Counsel appearing for the Applicant and Mr. Vinay Nair, learned Counsel appearing for the Respondent.

2. The challenge in this Criminal Revision Application is to the Order dated 19th March 2024 passed by the learned Judicial Magistrate First Class, Panvel below Exhibit - 31 in Criminal M. A. No.1143 of 2023

as well as to the Order dated 26th September 2024 passed by the learned Additional Sessions Judge, Panvel-Raigad in Criminal Appeal No.31 of 2024 (“**impugned Orders**”).

3. By the impugned Order dated 19th March 2024, the learned JMFC, Panvel dismissed Application bearing Exhibit-31 filed in Criminal M. A. No.1143 of 2023 seeking to dismiss the main application on the ground of jurisdiction. The said Order of the learned JMFC is upheld by Order dated 26th September 2024 by the learned Additional Sessions Judge by dismissing the Criminal Appeal challenging said Order dated 19th March 2024.

4. It is the contention of Mr. Prakash Naidu, learned Counsel appearing for the Applicant that admittedly both Applicant and the Respondent are staying in the United States of America (USA) and therefore the Panvel Court has no jurisdiction to entertain the Complaint filed under the provisions of the *Protection of Women from Domestic Violence Act, 2005* (“**DV Act**”). He submits that even if the entire Complaint is read as it is, then also no cruelty is disclosed and therefore the DV Complaint is not maintainable on that ground also. In any case, he submits that even if it is assumed that certain incidents of cruelty have been narrated, all the incidents have taken place in USA and no incident has taken place at Panvel and therefore also the DV proceedings filed at Panvel are not maintainable.

5. Mr. Naidu, learned Counsel also relied on the decision of a learned Single Judge [Nagpur Bench] passed in Criminal Revision Application No.146 of 2017 in the case of ***Prashant son of Manmohanji Laddha & Anr. v. Sau Madhuri w/o Prashant Laddha & Ors.*** and more particularly on Paragraph No.7 of the same.

6. On the other hand, it is the contention of Mr. Nair, learned Counsel appearing for the Respondent that Section 27 of the DV Act regarding jurisdiction is wide and the place where cause of action has taken place is one of the place of jurisdiction. He submits that the place where the person aggrieved permanently or temporarily resides also has got jurisdiction and therefore the Panvel Court has got jurisdiction. Apart from that, he submits that perusal of the Complaint shows that at various places in India several incidents have taken place which amounts to cruelty including at Panvel and therefore the DV proceedings filed at Panvel are maintainable. Mr. Nair, learned Counsel also relied on the decision of a learned Single Judge [Nagpur Bench] passed in Criminal Application (APL) No.1576 of 2022 in the case of ***Sumeet Suresh Ninave v. Himani Sumeet Ninave*** and also the decision of the Madras High Court in the case of ***G. Mayakannan v. Collector***¹.

7. Before considering the rival contentions, it is necessary to set out certain admitted factual position.

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- i.** The marriage between the Applicant and the Respondent took place on 28th October 2018 at Coimbatore and both of them started residing in USA.
- ii.** The Respondent has a permanent residence status of Canada.
- iii.** The Applicant and the Respondent have a child who is born on 7th November 2022.
- iv.** Admittedly, the Respondent had filed proceedings under USA DV Court before the Superior Court of California vide Case No.23DV000127 and subsequently the said case is withdrawn.
- v.** On 15th November 2023, the Respondent filed DV case in the Court of Judicial Magistrate First Class-5, Panvel.
- vi.** In the said case, the Applicant filed an application on 12th March 2024 bearing Exhibit-31 in Criminal M.A. No.1143 of 2023 for dismissal of the Complaint on the ground of territorial jurisdiction.
- vii.** The said application bearing Exhibit - 31 in Criminal M.A. No.1143 of 2023 was dismissed by the Order dated 19th March 2024 passed by the learned Judicial Magistrate First Class, Panvel.
- viii.** The Appeal filed challenging the same is also dismissed by the Judgment and Order dated 26th September 2024 passed by the learned Additional Sessions Judge, Panvel-Raigad in Criminal Appeal No.31 of 2024.

8. In view of above admitted position, it is necessary to consider certain contentions raised in the said DV proceedings. The same are as follows:

- i. Marriage, between the Applicant and the Respondent No. 1, was solemnised, on 28th October, 2018, according to Hindu rites and ceremonies, and registered on 29th October, 2018, at Ganapathi, Tamil Nadu, bearing H.M.C. No. 367/2018, under the Hindu Marriage Act, 1955. The Applicant and the Respondent No. 1, fell in love while they both were completing their masters degree from a university in the United States of America, and later decided to get married. [Para 2(a)].
- ii. A one-year old son, named Veera Kaarthic (hereinafter called 'baby', 'son' or 'Veera'), was born, out of the said wedlock. (Para 2(b))
- iii. The Applicant since February, 2023, is residing separately. The Applicant now only has her parents and a sibling, who are supporting the Applicant, in whatever manner possible, to help her cope up with the trauma she has gone through and still continues to go through even today. [Para 2(c)]
- iv. However, the Respondent No. 2 and 3 were not very happy with the said marriage proposal of their son as the Applicant was a Brahmin and they wanted someone from their own Chettiar caste. Eventually, the Respondent No. 1 convinced both his parents i.e., the Respondent No. 2 and 3. [Para 2(e)]

v. After the wedding ceremony, the Applicant and the Respondent No. 1 flew to Mumbai for their wedding reception. They extended their stay for a couple of days and celebrated Diwali with the Applicant's parents in Panvel, Navi Mumbai. After celebrating Diwali with the Applicant's parents, the couple flew back to Coimbatore for the Applicant's sister-in-law's baby shower. During the aforesaid function, the Respondent No. 2 kept asking the Applicant as to why did her parents not gift any gold to the Respondent No. 1. Further, the Respondent No. 2 commented that even poor people give cash to their son-in-laws but the Applicant's parents gave nothing to the Respondent No. 1. Furthermore, the Respondent No. 2 said that for her daughter's first Diwali they gave 8 gold coins of 5 sovereign each (40 grams in total) to their son-in-law. Throughout the function the Applicant had to hear taunts like these but she kept her disappointment to herself as she did not want to ruin her sister-in-law's function. [Para 2(g)]

vi. A few days later, the Applicant called her parents and narrated the aforesaid incident. Although the Applicant's parents were a little taken aback by the comments made by the Respondent No. 2, they decided to remain calm and not make a big deal out of it for their daughter's sake. It is pertinent to note that a month later the Respondent No. 2 called the Applicant's mother and questioned her as to why no gold was gifted to them during Diwali. The Respondent No. 2

further stated that according to their custom the girl's family is supposed to give gold to the boy for the first 3 important festivals like Diwali, Pongal and Aadi Padigai. She further blamed the Applicant's parents and called them "careless" for not following their customs and traditions. [Para 2(h)]

vii. Pursuant to the Applicant's marriage, the Applicant was mentally harassed by all the Respondents by one way or the other. For instance, the Applicant was made to wear contact lenses before she met the relatives of the Respondents. Although the Applicant made it clear that she was not comfortable wearing lenses, none of the Respondents paid any heed to any of her requests. Further, the Applicant was made to cook and eat non-vegetarian food despite knowing very well that she has been a pure vegetarian her entire life. Furthermore, when the Respondent No. 2 and 3 had visited the Applicant's house in U.S.A. for a period of 3 weeks, they expected her to wake up at 6 a.m. and cook and clean the entire house before she left for work. Even when the Applicant was suffering from menstrual cramps, the Respondents made her clean the entire house. [Para 2(k)]

viii. In the month of December, 2018, as the Respondent No. 2 and 3 were coming to the U.S.A. for their daughter's delivery, the Respondents asked the Applicant to book flight tickets for the Respondent No. 2 and 3. While the Applicant and the Respondent No. 1 were on a conference

call with the Respondent No. 2 and 3, the Applicant questioned them as to why should she pay from her own pocket when both the Respondent No. 1's parents are flying down to the U.S.A. for their daughter's delivery. However, the Respondents collectively gave a baseless explanation that it is the responsibility of the girl's family to pay for all the delivery related expenses. [Para 2(l)]

ix. In the beginning of the year 2019, the emotional violence against the Applicant increased. The Respondents forced the Applicant to talk in a particular dialect and they asked her to stop using her dialect which she has been using since her birth. [Para 2(m)]

x. On 28th February, 2019, the Applicant's sister-in-law delivered her baby. Though there was no need to visit the sister-in-law, immediately, as the delivery was normal, still the Respondent No. 2 and 3 emotionally traumatised the Applicant and forced her to fly down to visit the baby and their daughter. Therefore, inspite of the flight charges being expensive, the Applicant and Respondent No. 1 flew down from San Francisco to Florida to meet the baby and the Applicant's sister-in-law. [Para 2(p)]

xi. In the following month, a gold chain which was gifted by the Applicant's parents to the Respondent No. 1 broke while it was in the hands of the Respondent No. 1. The Respondent No. 1 used to always mock the Applicant by saying that the said gold chain is so thin that it is

as good as a thread. After the incident of chain breaking, the Respondent No. 1 made a huge deal by informing the Respondent No. 2 about it. Both the Respondent No. 1 and 2 shouted at the Applicant and specifically stated that the son-in-law should be given a chain which should be at least 2 sovereign (16 grams minimum). The Respondent No. 2 indirectly taunted the Applicant by saying that she had gifted her son-in-law a much thicker chain. Therefore, in this manner, the Respondent No. 1 and 2 were pressurising the Applicant to reach out to her parents so that they can gift another gold chain to the Respondent No. 1. [Para 2(q)]

xii. The Applicant was not only mentally harassed but also financially abused by the Respondents. As stated earlier, the Respondent No. 2 has on multiple occasions made demands from the Applicant and her parents expecting them to gift gold to the Respondent No. 1 in the form of gift. The Applicant was made to purchase new clothes, gifts, book flight tickets for the Respondents. However, whenever the Applicant purchased anything for her parents or siblings it was always frowned upon by the Respondent No. 1 and 2. The Respondent No. 1 used to also pressurise the Applicant to get details of all the properties that her parents own, their investments and kept on asking multiple questions about to how and to whom will the Applicant's parents pass on their property to. All the aforesaid instances made the Applicant realise that

the Respondents were only interested in the Applicant's assets and never really cared about her. [Para 2(t)]

xiii. In the beginning of the year, 2021, the Respondent No. 1's abusive behaviour towards the Applicant increased. For instance, if the Applicant would disagree or stand up for herself then the Respondent No. 1, scared the Applicant by using abusive language and threatening her. On one such occasion the fight escalated rather quickly. It started by the Respondent No. 1 calling the Applicant "good for nothing" and his anger soon escalated to beating her, throwing things around the house and breaking photo frames. The Applicant was scared for her life and was about to call 911 but she did not as she was afraid that by the time the police arrives, the Respondent No. 1 may do something to her. [Para 2(ee)]

xiv. On 19th March, 2022, the Respondent No. 1 created a huge scene because the Applicant did not cook the meal of his choice. During this time the Applicant was around 5 weeks pregnant and was suffering from nausea and vomiting. As the Applicant previously had a miscarriage, she was already under the fear of losing this baby as well and was worried about this baby suffering from pre-natal problems. Amidst all of this, the Respondent No. 1 created a huge scene and behaved angrily towards the Applicant simply because she had not prepared the meal of his choice. It was on this particular day that the

Applicant informed the Respondent No. 1 that she was pregnant and was dealing with morning sickness yet cooked breakfast and lunch before leaving for work. Instead of being happy and grateful, the Respondent No. 1 got more angry as the Applicant did not tell him about the pregnancy earlier. [Para 2(mm)]

xv. In the month of May, 2022, the Respondent No. 1 wanted to have a baby shower in Coimbatore so that he could get all his relatives to attend the event and also get the gold from the Applicant's parents that was due from the first 3 festivals after the wedding. The Applicant had not met her family since her wedding in October, 2018, as the Respondent No. 1 did not let her travel alone. The Applicant was excited to meet her family and she had made all the arrangements and paperwork for visa stamping for the couple which costed around Rs. 1,00,000/- (One Lakh Only) which was paid by the Applicant's father. [Para 2(ss)].

xvi. During the pregnancy, all that the Applicant wanted was to focus on her and her baby's health. However, the Respondent No. 1 always forced the Applicant to look into financial investment options and constantly annoyed with this investment topics, thereby increasing her stress. [Para 2(tt)]

xvii. On 28th July, 2022, the couple flew back to India for their baby shower which was scheduled on 11th August, 2022. The Respondent No.

2 and 3, insisted on having the baby shower in Coimbatore. In order to not cause any issues, the Applicant and her parents agreed to their request. [Para 2 (vv)]

xviii. On 7th August, 2022, the Applicant's parents visited Respondent No. 2 and 3's house in Coimbatore to celebrate their daughter's baby shower. The Applicant's parents had purchased a gold chain and a diamond studded gold earrings for the Respondent No. 1 from Mumbai which they gifted to the couple on that day. When the Applicant's parents left the house of the Respondent No. 2 and 3, all the Respondents started taunting the Applicant by saying that the gold chain was too thin and not as per their standards. Thus, making it clear that they expected more gold in the form of a thicker chain. It was at this moment that the Applicant realised that no matter how much or what her parents will gift the Respondents, they will never truly be satisfied. [Para 2(ww)].

xix. Between 3rd August, 2022, to 6th August, 2022, the Applicant was taken by the Respondents to various gold shops under the pretext that they are going to buy gold and silver bangles for the baby shower ceremony. However, apart from buying gold and silver for the baby shower the Respondents bought extra items which were not a part of the baby shower shopping list. Thus, the Respondent No. 2 and 3 ended up buying more gold than what was actually needed. It is pertinent to

note that after all the shopping, a message was sent to the Applicant's parents which included a list of ornaments that were not a part of the baby shower and they expected the Applicant's parents to pay for the same. When the Applicant confronted the Respondent No. 1 as to why her parents were made to purchase so much gold, the Respondent No. 1 very casually commented that the said amount was due from the Applicant's family for the last few years as they had not given gold when they were supposed to give i.e., during festivals and house warming celebrations. In other words, recovery of the dowry amount was done. For his daughter's happiness the Applicant's father paid for everything. [Para 2(xx)]

xx. On 12th August, 2022, after the baby shower, the Applicant wished to visit her parents place in Panvel, Navi Mumbai. The last time she met her parents and her sister was during the wedding i.e., in 2018, so she wanted to spend some time with them while enjoying home cooked food and care she deserved while being 7 months pregnant. However, the Respondent No. 1 denied the Applicant's request and both the Respondent No. 1 and 2, created a huge scene when they got to know that the Applicant had plans to spend 10 days with her parents. The Respondent No. 1 told the Applicant to think about their future in Coimbatore as they would be relocating as per the Respondent No. 1's wish. Moreover, under the false pretence of showing concern the

Respondent No. 1 asked the Applicant to not travel too much. In reality, in Coimbatore itself, the Applicant was taken on many long trips in hot conditions to meet the Respondents relatives and was taken to multiple stores in order to purchase gold, dress, etc. Moreover, the Applicant was forced by the Respondent No. 1 not to eat outside food and was made to starve, whereas, the Respondents ate right in front of her while she starved. After a lot of discussion was allowed to visit her parents for a period of 10 days. When the Applicant was back in Coimbatore, she got to know that the Respondent No. 1 and 2, were still very annoyed with the fact that the Applicant went to her parent's place. They again started fighting with the Applicant which put undue stress on the Applicant. [Para 2 (yy)]

xxi. On 30th August, 2022, the Respondent No. 2 sent a list of gold and silver items to the Applicant's mother by stating that they wanted the Applicant's parents to purchase the following gold and silver items for their yet-to-be-born grandson and asked them to carry the same on their visit to the United States. Although the Applicant's mother was a little hesitant as she had not done the same for her other grandkids, she decided to do everything as per the Respondent No. 2's wish so that her daughter could live peacefully with the Respondent No.1. [Para 2 (bbb)]

Thus, the above Paragraphs show that the contention is raised by the Respondent that the Respondent is subjected to cruelty not only in USA but also in India at Coimbatore, Panvel, etc.

8. In view of the above position, it is necessary to see Section 27 of the DV Act, which reads as under:

“27. Jurisdiction.—(1) The court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which—

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) the respondent resides or carries on business or is employed; or

(c) the cause of action has arisen, shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.

(2) Any order made under this Act shall be enforceable throughout India.”

Thus, what is contemplated by Section 27 *inter alia* is that the Court of J.M.F.C., within whose local jurisdiction the person aggrieved, permanently or temporarily resides or carries on business or is employed or where the cause of action has arisen, the DV proceedings can be filed in the Court of such J.M.F.C. Thus, it is clear that jurisdiction is not decided only on the basis of cause of action i.e. where the incidents of cruelty have taken place.

9. The contention of Mr. Naidu, learned Counsel that even accepting the case of the Respondent as it is, no incidents of cruelty have taken

place in India and therefore the Indian Court will have no jurisdiction is not correct. In any case, as set out herein above, various incidents have taken place also in India including at Panvel. In fact, incidents which have taken place in USA have also started due to conversation with the relatives in India including parents of the Respondent who reside at Panvel. Thus, it cannot be said that no cause of action has taken place at Panvel. Thus even if it is assumed that the Court having local limits where the cause of action has taken place will have jurisdiction, then also it is clear that many incidents have taken place in India including at Panvel and therefore Panvel Court has got jurisdiction in terms of Section 27(1)(c) of the D.V. Act.

10. Apart from this, permanent residence of the Respondent No.1 is at Panvel. Thus in terms of Section 27(1)(a) of the D.V. Act also, the learned JMFC, Panvel has jurisdiction to deal with the said application filed under D.V. Act.

11. It is also required to be noted that the said DV Complaint has been filed against the present Applicant who is the husband as also against the in-laws who are residing at Coimbatore and many incidents have been set out to show that the incidents have taken place at Coimbatore or Panvel.

12. In view of above background of the matter, it is necessary to consider the decision of a learned Single Judge in the case of *Prashant*

son of Manmohanji Laddha (supra). In the said case what is held by a learned Single Judge is that temporary residence contemplated under Section 27(1)(a) requires residence at place on continuing basis in pursuit of some activity or want or need which may be economic, educational, financial, cultural, social and the like which comes to an end when the goal or purpose is achieved. It has been further held that temporary residence means a residence set up or acquired in the ordinary course of human affairs and is not a residence set up with an intention to file a case and confer jurisdiction upon the magistrate. The said observations in **Prashant Laddha** (supra) are not applicable to the present case as it is the contention of the Respondent that the Respondent permanently resides at Panvel and she is temporarily residing at USA or Canada. In any case as already noted hereinabove the part of cause of action has taken place at Panvel and therefore Panvel Court has jurisdiction. Thus, the said decision will have no application to the facts of the present case.

13. As far as the decision on which Mr. Nair, learned Counsel has relied in the case of **Sumeet** (supra), the relevant Paragraph is Paragraph No.9, which reads as under:

*“9. In order to appreciate the rival submissions, I have gone through the record and proceedings. I have also gone through the judgments relied upon by both the parties. It is true that as per Section 1 of the D.V. Act, the D.V. Act extends to the whole of India except the State of Jammu and Kashmir. It does not extend beyond the limits of India. **The question***

therefore, is whether for the domestic violence caused to the aggrieved person on the foreign soil can be taken cognizance of by the Court of Magistrate in India at any of the places provided in clause (a) to (c) of Section 27. It is to be noted that subsection 1 and Section 27 of the D.V. Act will have to be harmoniously construed. The D.V. Act is a social beneficial legislation. The objection and intention of the legislature behind this enactment is writ large from the statement of the object and reasons of the Act. Section 27 of the Act provides for the jurisdiction of a Court of Magistrate of First Class or Metropolitan Magistrate to entertain the application under this Act. The provisions of Section 27(1) (a) and (b) are applicable irrespective of the place of cause of action. It is to be noted that clause (a) and (b) of Section 27(1) of the D.V. Act has, therefore, no direct nexus or co relation with the place where the domestic violence was actually caused. In my view, these two clauses namely (a) and (b) of sub section (1) of Section 27 have to be harmoniously construed with sub section 1 of Section 27 of the Act. If it is so done then it would show that the law makers were mindful of such a situation and therefore, Section 27 have been worded in this form. It therefore goes without saying that though the Domestic Violence Act extend to the whole of India as provided under Section 1 of the D.V. Act, the domestic violence caused on the foreign soil could also be taken cognizance by invoking Section 27 (1) (a) and (b)."

(Emphasis added)

The observations of the learned Single Judge in **Sumeet** (supra) are squarely applicable to the facts of the present case.

14. Mr. Vinay Nair, learned Counsel for the Respondent has also relied on the decision of the Madras High Court in **G. Mayakannan** (supra) and the relevant Paragraph is Paragraph No.7, which reads as under:

"7. Jayakondam is the native place of the third Respondent and she is born and brought up in Jayakondam and her parents family is permanently residing at

Jayakondam. A married woman though ordinarily lives at her husband's place, cannot be presumed to have disowned her residential rights at her parents' house on account of her marriage. For the purpose of getting a separate ration card after her marriage her name would have got deleted from her parents' ration card and included in her husband's ration card. With that alone it can not be said that a married woman had severed her ties with her parents' place and her residential status in respect of her parent's house has come to a closure once and for all. The rules of marriage do not impose any such condition on a woman."

(Emphasis added)

The said observations are also squarely applies to the present case.

15. Thus for all the above reasons, there is no substance in the present Criminal Revision Application. Accordingly, Criminal Revision Application is dismissed, however, with no order as to costs.

16. In view of disposal of the Criminal Revision Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]