



CRP.No.888 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 16.06.2025

Order pronounced on : 27.06.2025

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.888 of 2024
& C.M.P.Nos.4398 of 2024 & 13524 of 2025

1.Dr.Prabhu Thilaak
2.G.Thilakavathi

..Petitioners

Vs.

Shruthi Thilak

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to call for records relating to the proceedings in D.V.C.No.95 of 2022, on the file of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai and strike off the same as illegal and unconstitutional.

For Petitioners : Mr.V.Raghavachari
Senior Counsel
for Mr.K.T.Ragavan

For Respondent : Ms.S.P.Arthi



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ORDER

This Civil Revision Petition has been filed by the husband and mother-in-law of the respondent, seeking to strike off the case in D.V.C.No.95 of 2022 before the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

2.I have heard Mr.V.Raghavachari, learned Senior Counsel for Mr.K.T.Ragavan, learned counsel for the petitioners and Ms.S.P.Arthi, learned counsel for the respondent/wife.

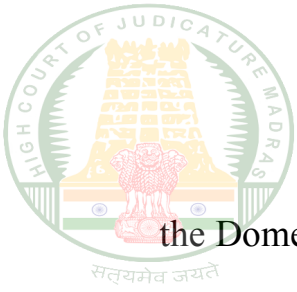
3.Mr.V.Raghavachari, learned Senior Counsel appearing for the petitioners would submit that the domestic violence complaint is nothing but a counter blast to the divorce petition filed by the 1st petitioner. He would further submit that unsavory allegations have been made, without any basis, as against the 2nd petitioner/mother-in-law and the domestic violence complaint is nothing but an arm twist attempt indulged in by the respondent/wife.

4.The learned Senior Counsel would further submit that even as early as in September 2022, the respondent walked out of her matrimonial home, without even informing the petitioners. The learned Senior Counsel would place reliance on the photographs to show that the respondent has left the matrimonial home by removing all her belongings at midnight without the other family



members noticing the same. He would further submit that there is no semblance of fear reflected in the face of the respondent in the said photographs. He would invite my attention to the fact that two children born to the 1st petitioner and the respondent are being taken care of only by the father and not by the respondent/wife. He would also take me through the specific allegations made in the complaint in the domestic violence complaint and state that the entire allegations are vague and not specific and that no dates are also mentioned regarding the alleged incidents that have occurred, according to the respondent in 2010, 2016, 2019, 2021-2022.

5.The learned Senior Counsel would also specifically point out to the absence of any document substantiating the allegations in the domestic violence complaint and therefore, according to the learned Senior Counsel, the domestic violence complaint lacks bonafides and there is absolutely no proof to substantiate even *prima facie*, the allegations that are being made against the petitioners, more specifically, when the 2nd petitioner is a senior citizen and also respectable person in the society. He would further submit that the respondent cannot indulge in two parallel proceedings on the same set of facts and allegations and therefore when the matrimonial proceedings have already reached the stage of trial, the very same subject cannot be tried parallelly under



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the Domestic Violence Act. In short, the learned Senior Counsel's submission is

that the domestic violence case is a gross abuse of process of law and is liable to be struck off as illegal and unsustainable.

6.Per contra, Ms.S.P.Arthi, learned counsel for the respondent would submit that even from the documents relied on by the petitioner, it is clear that HMOP.No.1320 of 2023 was filed by the 1st petitioner only in March 2023, whereas, the complaint lodged by the respondent is much earlier, having been filed even in September 2022. The learned counsel for the respondent would therefore submit that the contention of the petitioner that the domestic violence complaint is a counter blast to the divorce proceedings is wholly unsustainable. The learned counsel for the respondent would further submit that in the matrimonial proceedings, trial is already completed and she would further state that there is no limitation for filing a complaint under DVC Act and further, from a reading of the complaint, the complaint should be one that has to be thrown out summarily and if not, the complaint has to take its own course.

7.Drawing my attention to the present domestic violence complaint, the



learned counsel for the respondent would submit that specific allegations have been made against both the petitioners and these allegations have to be necessarily tried, by calling upon the parties to lead oral and documentary evidence. She would further submit that merely because there is an allegation of adultery against the wife, it would not entitle the petitioners to do violence to the respondent. She would further state that extraneous materials cannot be relied on to strike off the domestic violence complaint and it should be done from the domestic violence complaint itself and it should be found that there is no merit in the said complaint, warranting a trial and waste of judicial time. However, she would state that it is not so, in the present case.

8.Learned counsel for the respondent would further submit that the documents that have been relied on by the petitioners are all post the complaint lodged in September 2022 and there are several cases pending both in the Civil as well as Criminal Courts and it is not a case where the domestic violence complaint can be struck off as prayed for by the petitioners.

9.I have carefully considered the submissions advanced by the learned Senior Counsel for the petitioners and the learned counsel for the respondent.



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10. With regard to the argument of the domestic violence complaint being a counter blast, as rightly pointed out by the learned counsel for the respondent, it is seen that the domestic violence complaint was lodged as early as in September 2022 and the 1st petitioner has filed his divorce petition much later, only in March 2023. Therefore, I am unable to countenance the argument of the learned Senior Counsel for the petitioners that the complaint is a counter blast to the divorce proceedings alleging adultery and cruelty against the respondent/wife.

11. With regard to the allegations made in the domestic violence complaint being related to the years 2010, 2016, 2019, 2021-2022, now the Hon'ble Supreme Court has settled the legal position that for a DVC complaint, there is no question of law of limitation applying. I am unable to accept the submissions of the learned Senior Counsel with regard to the allegations relating to periods even as early as from 2010 onwards and consequently the complaint being hopelessly barred by law of limitation.

12. With regard to the submission that the allegations are vague and not specific and not even the dates have been mentioned, I have gone through the



domestic violence complaint and I find that specific allegations have been made against both the petitioners. No doubt, some of the allegations are not date specific. However, this cannot be a ground to strike off the domestic violence complaint, without the parties undergoing the process of trial.

13.I also find that the respondent has also made specific allegations not only against the 1st petitioner/husband, but also against the 2nd petitioner/mother-in-law. All these allegations which are set out in the domestic violence complaint are questions of fact that will have to be necessarily established by the respondent before succeeding in her domestic violence complaint and the petitioners cannot seek to strike off such a complaint where allegations are made against both the petitioners. The parties will have to necessarily undergo the process of trial.

14.In view of the above, I do not see any grounds made out for striking off the complaint, invoking the extraordinary powers available to this Court under Article 227 of Constitution of India, which the Hon'ble Supreme Court, time and again has reiterated that it can be exercised only in extraordinary circumstances and not in a routine manner. In view of the above, I find that it is not a fit case where the domestic complaint can be struck off.



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15. In fine, the Civil Revision Petition is dismissed. However, there shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

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Speaking/Non-speaking order
Index : Yes/No
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1.The XXIII Metropolitan Magistrate Court, Saidapet, Chennai.



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P.B.BALAJI.J.

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Pre-delivery order made in
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27.06.2025