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C.R.P.No.522 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

C.R.P.No.522 of 2025
and
C.M.P.No.3015 of 2025

1.Jabakar Samuel
2.Jean Mercy Vasantha

... Petitioners

Vs.

Jasmine

... Respondent

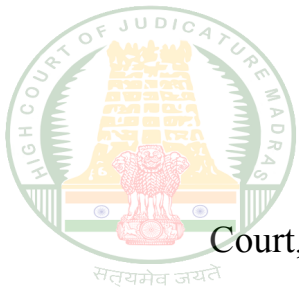
Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to pass an order to strike off the proceedings in D.V.C.No.32 of 2024 now pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Chengalpet District.

For Petitioners : Mr.Praveen Alexander

For Respondent : Mr.P.K.Ganesh

ORDER

Seeking to strike off the proceedings in D.V.C.No.32 of 2024 pending on the file of the learned Judicial Magistrate, Additional Mahila



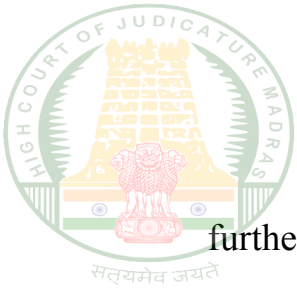
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Court, Chengalpet District, the petitioners have come up with the present

WEB CO Civil Revision Petition.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioner would state that the petitioners are husband and mother-in-law of the respondent. The 1st petitioner and the respondent got married on 10.05.2019 and they are not blessed with any children. Admittedly, the 1st petitioner and the respondent got separated on 08.02.2022 and thereafter, the husband has moved the Family Court, Chengalpet seeking divorce by filing an application on 14.03.2024. After filing of the said divorce application and before receipt of summons/notices of H.M.O.P., the wife has chosen to issue a notice on 10.04.2024 stating that she is willing to rejoin the husband. According to the wife, only from the reply notice sent on 26.04.2024, the wife came to know that the husband had already moved the Family Court, Chengalpet seeking divorce. He would also state that even thereafter, after waiting for six months, the DVC complaint was lodged in the year 2024. He would further state that there is absolutely no allegation as against the 2nd petitioner/mother-in-law and he would



further state that the DVC complaint have also been filed after a period of two years after separation and the same is barred by limitation.

Therefore, he prays that the DVC complaint has to be quashed.

4. Per contra, learned counsel for the respondent would state that now the Hon'ble Supreme Court has laid down the law with regard to limitation in approaching the Criminal Court for lodging a complaint under the provisions of DVC Act, clearly hold that the limitation cannot be put against the wife. Therefore, he prays that the only ground on which the complaint sought to be quashed being limitation, the revision has to be necessarily dismissed.

5. However, learned counsel for the respondent on being taken through averments in the DVC complaint would fairly submit that the allegations, which are directed against the mother-in-law are not very serious in nature and made only in passing reference and therefore, the respondent has no serious objection to strike off the DVC complaint as against the 2nd petitioner alone and leaving it open to the respondent and the 1st petitioner to go through the DVC case, on merits.



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7. In the light of the above, the DVC complaint as against Jean Mercy Vasantha, the 2nd petitioner/mother-in-law herein alone stands struck off and accordingly, this Civil Revision Petition is partly allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23.06.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Judicial Magistrate, Additional Mahila Court, Chengalpet District.



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P.B. BALAJI, J.

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