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C.R.P.(PD).No. 735 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).Nos. 735 of 2025

Mantrinya

...Petitioner

Vs.

1.Sanket Srinivas

2.K.V.Srinivas

3.Sandhya Rani

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket order dated 06.11.2024 passed by the Judicial Magistrate, Special Court for Trial of Domestic Cases, Coimbatore in unnumbered Amendment Petition bearing CMP.SR.No.2786 of 2024 in DVA.No.32 of 2022.



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For Petitioner : Mr. Abdul Hameed
Senior Counsel
For M/s.AVV Partners

ORDER

Challenging the dismissal of an application without numbering the petitioner is before this Court.

2. The petitioner herein had filed a domestic violence application on the file of the Judicial Magistrate, Special Court for Trial of Domestic Cases, Coimbatore for the following relief:

“(a) Prohibiting the respondents from committing the acts of domestic violence by granting an injunction under Section 18 of the Act.

(b) Prohibiting the respondents from visiting the parental home of the petitioner by granting an injunction under Section 18 of the Act.

(c) Directing the first respondent to deposit a sum of



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Rs.20,00,00,000/- towards the future educational and welfare expenses for the minor child Rihaan.

(d)Directing all the respondents to pay a compensation of Rs.25,00,00,000/- to the petitioner under Section 22 of the Act towards mental torture and emotional distress caused by the acts of domestic violence by the respondents.

3. A counter has been filed by the respondents refusing allegations.

4. Pending the petition, the petitioner taken out an application for amending the petition. The reasons for seeking amendment is on account of the fact that this Court in CrI.R.C.No.132 of 2023, which was filed by the petitioner challenging the dismissal of her application in CMP.No.37431 of 2022, to register an FIR against the respondent had passed the following order:

“This Court perused the complaint made by the



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petitioner before the law enforcing agency as well as the trial Court. Perusal of the same reveal that the marriage between the petitioner and the 2nd respondent was solemnised on 12.12.2013 and the problem arose after a lapse of nearly six years. The petitioner during her stay in USA has neither made complaint before the law enforcing agency in India. The alleged harassment made by the 2nd respondent to the petitioner is between the years 2013 and 2019, however, the first complaint made by the petitioner is during the year 2021 and there is no proper explanation as to what happened during the period from 2019 to 2021. the allegations made against the respondents 2 to 4 is also not heinous one. All the factual aspects were properly enquired and considered by the law enforcing agency and the law enforcing agency filed preliminary report before the trial court and the trial court accepted the same, which warrants no interference.



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This revision is dismissed. Liberty is granted to the petitioner to canvass all the points in the domestic violence case and in maintenance case and to work out the remedy in the manner known to law.

5. Therefore, since liberty had been granted by this Court, the petitioner thought certain documents had to be filed to prove that she had been subjected to domestic violence and cruelty at the hands of the husband. These documents had been produced before the All Women's Police Station, Central Coimbatore. However, the same was not taken note by the Police Authorities who had submitted a closure report. Therefore, she sought to amend the petition to include the following relief:

*“*To frame charges against the respondents 1 to 3 under Section 498 A of the Indian Penal Code or any other provision of that code of the Dowry Prohibition Act,*



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1961 and the Tamil Nadu Prohibition of Harassment of Woman Act, 2005 for the commission of offences disclosed in petition under Section 31 (3) and Section 32 of the Protection of Women From Domestic Violence Act, 2005 as the complaint under Section 200 Cr PC r/w Section 26 and 28 of the DV Act.

**Restraining the 1st respondent from renouncing his rights in the shared Household of the Schedule mentioned without the leave of the Court.*

**Directing the 1st respondent to pay the equal share of rental amount derived in the schedule mentioned property from the date of rental agreement i.e., 13.09.2020.*

**Directing the 1st respondent to pay a sum of Rs.5,00,000/- as monthly maintenance to the petitioner and her minor son.*

To add details in her petition.



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6. The learned Judicial Magistrate, Special Court for Trial of Domestic Cases, Coimbatore without even numbering the petition or returning the same and asking for explanation has straight away rejected the petition. It is aggrieved by this order, the petitioner is before this Court.

7. The learned Judicial Magistrate, Special Court for Trial of Domestic Cases, Coimbatore, has failed to appreciate that a liberty had been granted to the petitioner to raise all defenses and reliefs in the DVC proceedings by orders of this Court dated 26.06.2023 in Crl.R.C.No.132 of 2024 and it is in keeping with this order that the present application has been filed. As to the maintainability of the relief or otherwise is an issue that has to be questioned by the respondent and both parties have to make their submissions. The Court cannot at the threshold that too even without giving a number should not reject the application.



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8. Therefore, the civil revision petition is allowed. The learned Judicial Magistrate, Special Court for Trial of Domestic Cases, Coimbatore is directed to number the petition on its re-presentation by the petitioner. The original documents shall be returned to the learned counsel for the petitioner after due endorsements. Consequently, the connected miscellaneous petition is closed. No costs.

25.02.2025

Index : Yes/No
Internet : Yes/No

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To

The Judicial Magistrate,
Special Court for Trial of Domestic Cases,
Coimbatore.



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P.T. ASHA, J,

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