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CRP. No.879 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:07.08.2025

Pronounced on:14.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.879 of 2023
and CMP. No.6608 of 2023**

1.Othisamy
2.Sadaiyappa Gounder
3.Angammal
4.Sasikala
5.Shanthamani
6.Karuppusamy

Petitioners

Vs

Radhika

Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and to quash the petition in DVC. No.11 of 2022 which is pending on the file of Judicial Magistrate of Mettupalayam.

For Petitioners : Mr.K.P.Ananthakrishna
for Mr.M.Ramesh

For Respondent : Mr.S.Arjun



ORDER

The present Civil revision petition is at the instance of the husband and relatives of the husband, seeking to strike off the Domestic Violence Complaint in DVC. No. 11 of 2022 on the file of the Judicial Magistrate, Mettupalayam.

2. I have heard K.P.Anantakrishna for Mr.M.Ramesh, learned counsel for the Petitioners, and Mr.S.Arjun, learned counsel for the Respondent.

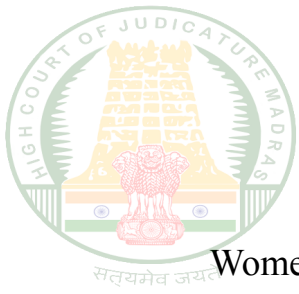
3. Mr.K.P.Anantakrishna, learned counsel for the revision petitioners would submit that the present Domestic Violence Complaint is the second complaint lodged by the Respondent. An earlier complaint had been given in 2019 and the same was withdrawn and now, on the very same set of allegations, the Respondent has approached the Judicial Magistrate, Mettupalayam, which according to the learned counsel for the Petitioner is not maintainable.

4. Mr.K.P.Anantakrishna, learned counsel for the revision petitioners would also rely on the proceedings in Cr.No.762 of 2022



under Section 498A and 506(i) of the IPC, where this Court exercising criminal jurisdiction had directed payment of a sum of Rs.8,000/- to the minor child and he would point out that the same is being complied with diligently, without any default. The learned counsel for the revision petitioners would also place reliance on the report of the Social Welfare Officer, who concluded his inquiry, stating that there was no dowry demand.

5. Further, meeting the allegation regarding installation of CCTVs, and the Respondent complaining about the same, and making serious allegations against the husband, learned counsel Mr.K.P.Anantakrishna, would state that the First Petitioner husband had opposed a SIPCOT project and that had led to serious repercussions, even posing a risk to the life of the petitioner and only under such circumstances, the Petitioner had to install CCTV cameras in and around the house and he would therefore contend that this cannot be a reason to entertain a domestic violence complaint.



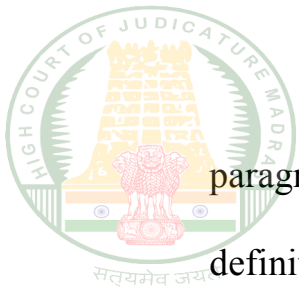
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6. The learned counsel, referring to Section 3 of the Protection of Women against Domestic Violence Act, 2005, would contend that none of the abuses that are mentioned in Section 3(3) have been made out and therefore, the learned counsel would state that the Magistrate ought not to have taken cognizance and issued notices to not only the husband but all near and dear family members of the husband.

7. Mr.K.P.Anantakrishna, learned counsel for the revision petitioners would also place reliance on the following decisions:

- (i) *Suman Singh vs Sanjay Singh*, reported in (2017) 4 SCC 85;
 - (ii) *B.Prakash vs Deepa & another*, reported in 2015 (4) LW 545;
- and
- (iii) *U.Saravanakumar and others vs J.Yuvana*, CRP.No.240 of 2022 dated 04.07.2025.

8. Per contra, Mr.S.Arjun, learned counsel appearing for the respondent/wife, taking me through the earlier complaint made in the year 2019 and the present complaint, would contend that there is no merit in the argument of the learned counsel for the petitioners that the complaints are verbatim the same. He would specifically point out to the subsequent incidents of domestic violence inflicted on the respondent at



paragraphs 23 and 24 as well as clear case of abuse falling within the definition of Section 3(3) of the Act being made out. He would also rely on the FIR in Crime No. 762 of 22 dated 15.12.2022, where this Court refused to quash the FIR in CrI.OP.No. 4392 of 2023, by order dated 13.12.2023, finding that the allegations were serious in nature.

9. Pointing out to the reliefs sought for in the present Domestic Violence Complaint as well, the learned counsel for the respondent contends that it is a case for trial and the domestic violence complaint cannot be struck off under Article 227 of the Constitution of India.

10. I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the records and the decisions on which reliance has been placed on.

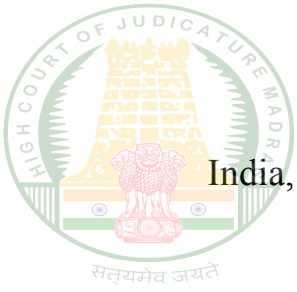
11. It is not in dispute that the first petitioner and the respondent were married in the year 2017 and a male child was also born to them on 05.02.2018. No doubt, the respondent had lodged a Domestic Violence Complaint in the year 2019. However, the same was withdrawn as it appears that the parties had settled the disputes amicably at that point of



time. Subsequently, the present DVC complaint in DVC.No.11 of 2022 has been filed. On going through the complaints in both the cases, viz., DVC. No.14 of 2019 and DVC.No.11 of 2022, I do not find that the complaint is verbatim, i.e., one and the same. As rightly pointed out by the learned counsel for the respondent, specific allegations have been made against all the petitioners in the Section 12 petition filed under the Protection of Women against Domestic Violence Act, 2005.

12. In fact, the respondent has also disclosed the earlier proceedings in DVC.No.14 of 2019 and I find that there has only been a narration of the earlier complaint leading to the present complaint. In paragraph Nos.23, 24, and 26, the respondent has specifically alleged incidents of domestic violence and abuse. These factual and contentious issues have to be necessarily proved by the parties by leading oral and documentary evidence, for which they have to necessarily undergo trial.

13. The law on the point is also fairly well settled. Unless there is a patent lack of jurisdiction or it is shown that there is grave injustice being caused because of the domestic violence complaint being taken on file, this Court exercising powers under Article 227 of the Constitution of

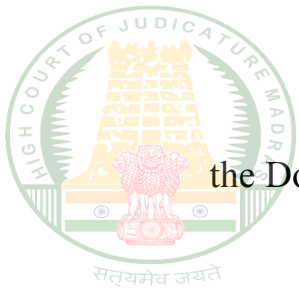


India, cannot strike off the domestic violence complaint.

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14. Coming to the decisions that have been relied on by the learned Counsel for the petitioner, in **B.Prakash's** case, (referred herein supra), it was a claim of maintenance under Section 20 of the Domestic Violence Act and this court held that an order for maintenance made under Section 125 of the Criminal Procedure Code by a Magistrate could not be a bar to enable the wife to seek maintenance under Section 20 of the Domestic Violence Act. I do not see how this decision would apply to the facts of the present case.

15. In **Suman Singh's** case, (referred herein supra), the Hon'ble Supreme Court, finding on facts, that the grounds taken by the respondent were stale and did not subsist, and further, even the solitary incident relating to behaviour had been condoned by the parties by their act of living together, the Court held that based on general allegations and that too few isolated incidents of long past, an application cannot be filed seeking dissolution of marriage on the ground of cruelty. Again, this decision does not lay down a proposition in so far as proceedings under



the Domestic Violence Act.

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16. The other decision of mine which has been relied on in *U.*

Saravanakumar's case, (referred herein supra) was one where the incidents complained of were prior to 2020 and there was no allegation against the petitioners in respect of any incident after the complaint dated 08.08.2019 and therefore, I proceeded to place reliance on the report of the Social Welfare Officer and ordered striking off of the domestic violence complaint. However, in the present case, it is the specific allegation of the respondent/wife that the husband has installed CCTV cameras even in the bedroom and that he has shared private videos and pictures of the respondent, with his friends and relatives. This allegation of installation of CCTV cameras is certainly subsequent to the earlier complaint in 2019 and it was also not the subject matter of the report of the Social Welfare Officer which pertains only to Dowry. Therefore, this decision also will not come to the aid of the petitioners.

17. In view of the above discussion, I do not find that the petitioners have made out a case for striking off of the domestic violence



complaint. Accordingly, this Civil Revision Petition is **dismissed.**

However, in line with the ratio laid down by the Full Bench in *Arul*

Daniel and Others Vs. Suganya, reported in (2022) 3 MWN (Crl.) 539,

I am inclined to dispense with the presence of the petitioners before the Judicial Magistrate, Mettupalayam and they are entitled to engage a Counsel to represent them and their appearance shall be required only on relevant dates where their examination is going to be recorded, be it in chief or cross.

18. In view of the fact that the Domestic Violence Complaint is of the year 2022, I direct the Judicial Magistrate, Mettupalayam to expedite final disposal of the domestic violence complaint and dispose of the same within a period of six (6) months. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

14.08.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The Judicial Magistrate,
Mettupalayam.



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P.B.BALAJI, J.,

rkp

Pre-delivery order in
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