



CRP.No.1557 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 19.06.2025

Order pronounced on : 14.07.2025

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

CRP.No.1557 of 2024
& CMP.No.8371 of 2024

1.Prasad Gangaraju
2.Narayanaraju Gangaraju
3.Padma Gangaraju

..Petitioners

Vs.

Swetharaj

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records pertaining to D.V.C.No.190 of 2023 pending on the file of the Additional Mahila Court, Metropolitan Magistrate, Egmore, Chennai and to quash the same as against the petitioners.

For Petitioners : Mr.M.Jaikumar

For Respondent : Mr.M.Sriram

ORDER

The revision has been filed by the husband and parents of the husband, challenging the domestic violence complaint filed by the respondent, wife of the 1st petitioner. The petitioners seek to strike off the domestic violence complaint,



CRP.No.1557 of 2024

invoking powers available to this Court under Article 227 of Constitution of India.

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2.I have heard Mr.M.Jaikumar, learned counsel for the petitioners and Mr.M.Sriram, learned counsel for the respondent.

3.Mr.M.Jaikumar, learned counsel for the petitioner would submit that the 1st petitioner and the respondent were married as per Hindu rites and customs on 01.07.2010. They have not been blessed with any children admittedly and the parties lived together in United States of America from November 2011 onwards. Admittedly, the parties also received their Green Card in December 2011. According to the petitioners, the respondent inflicted physical injury on the 1st petitioner on multiple occasions and this led to even filing of police complaints by the 1st petitioner, even when they were residing in USA.

4.The learned counsel for the petitioners would further submit that the respondent was even arrested on 06.09.2020 and remanded to prison and a protection order was also issued by the Magistrate of Denton County, TX, USA, prohibiting the respondent from contacting the 1st petitioner in person, phone or by email for a period of 30 days. A further order was also passed restraining the



respondent from being physically present within a radius of 500 feet from the 1st petitioner. It is also stated that the respondent was subsequently released on a bond of US \$1000.

5.The learned counsel for the petitioner would further submit that the respondent filed a divorce petition on 13.10.2020 against the 1st petitioner and a case of domestic violence was also filed by the State of Texas against the respondent on 16.11.2020. After the police investigated the complaint, they found history of domestic violence committed by the respondent. Pending all these proceedings, a Mediation Settlement Agreement was reached between the respondent and the 1st petitioner on 16.07.2021 and the properties were divided amongst the 1st petitioner and the respondent and they have also moved a petition for mutual consent divorce which was also granted by the Denton Country, TX, USA on 23.08.2021.

6.The learned counsel for the petitioner would further state that the domestic violence complaint has been filed before a Court having no jurisdiction and further, it has been lodged by the sister of the respondent and ever since the date of marriage on 01.07.2010, the 1st petitioner as well as the respondent have only resided in USA. He would further state that even the



respondent has not permanently stayed at the address which is given in the complaint, which according to the learned counsel for the petitioners, is the address of the parents of the respondent. He would further state that once the parties settled all their claims before the competent Court in USA, the respondent cannot attempt to reopen the issues that have attained finality, giving a new colour, as if the petitioners have committed domestic violence against the respondent. He would therefore pray for the revision petition being allowed and the domestic violence complaint being struck off as clearly being one to harass the petitioners, despite the mutual consent divorce and finality of all disputes including the property and monetary.

7.Per contra, Mr.M.Sriram, learned counsel of the respondent/wife would take me through the documents that have been filed even in the competent Court in USA, where the 1st petitioner himself has admitted to the fact that the respondent's father had contributed a substantial sum of money for enabling the purchase of a house in Texas as well as in OMR, Chennai. The learned counsel for the respondent would therefore state that when there is a specific complaint that it was only out of coercion, duress and harassment that the said amounts were shelled out by the respondent's father, the complaint was certainly maintainable and it cannot be thrown out without trial.



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8.The learned counsel for the respondent would also place reliance on the following decisions:

- 1.*Thota Venkateswarlu Vs. State of AP* (2011 (6) SCC 97).
- 2.*Rapolu Anand & Others Vs. State of AP* ((2012) 1 ALD (Cri) 378).
- 3.*Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society* ((2019) 9 SCC 538).
- 4.*Arul Daniel Vs. Sukanya* ((2023) CrLJ 339).

9.In *Thota Venkateswarlu's case*, the Hon'ble Supreme Court held that when there was allegation of ill-treatment and demands of additional dowry, the Magistrate had taken cognizance of the same. The Hon'ble Supreme Court further held that there was no necessity for prior sanction of Central Government up to the stage of taking cognizance in terms of Section 188 of Cr.P.C and it is trial which alone cannot be proceeded without the previous sanction of Central Government. The facts of the said case the husband had married his wife in Andhra Pradesh and thereafter, as in the present case, the wife joined the husband abroad. The case of the wife was that she was ill treated by the petitioner and there were additional dowry demands when they were residing in Botswana. A complaint was given by the wife to the Superintendent of Police, Andhra Pradesh from Botswana. Under such circumstances, the Hon'ble Supreme Court has held that the complaint cannot be quashed.



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10. In *Rapolur Anand's case*, the learned Single Judge of the Andhra Pradesh High Court held that grant of divorce will not absolve the accused from criminal activity prior to grant of divorce.

11. In *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai's case*, the Hon'ble Supreme Court held that when there is an appeal remedy, the High Court should refrain from interfering under Article 227 of Constitution of India.

12. In *Arul Daniel's case*, the Full Bench of of this Court held that issues like existence of shared household /domestic relationship which form jurisdiction basis for entertaining an application under Section 12 of CPC can be determined as a preliminary issue in appropriate cases and as against any orders passed thereunder, the aggrieved party was entitled to prefer an appeal under Section 29 of the Domestic Violence Act. It is also held that any aggrieved party can also take recourse under Section 25 of the Domestic Violence Act which authorizes the Magistrate to alter, modify and revoke any order under the Act upon showing change in circumstances. However, in the very same decision, the Full Bench also held that a petition under Article 227 of Constitution of India would still be maintainable, if it is shown that the proceedings before the



CRP.No.1557 of 2024

Magistrate suffers from patent lack of jurisdiction.

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13.I have considered the submissions advanced by the learned counsel on either side.

14.It is not in dispute that the 1st petitioner and the respondent got married to each other in Tamil Nadu and subsequently, both of them lived as husband and wife in USA and that they have also been issued with Green Cards. It is also not denied by the respondent that the respondent moved for divorce before the competent Court in USA and a Mutual Settlement Agreement was drawn up and a divorce by consent was granted in terms of the said agreement reached between the parties. It is seen that the parties have, besides agreeing to dissolve their marriage, also agreed upon financial settlements. The respondent has been given her share of the property as well. These proceedings were over even in August 2021.

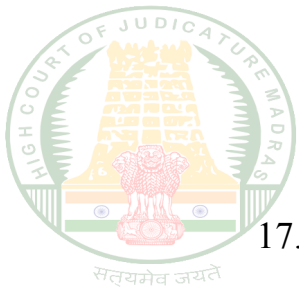
15.It is also seen from the records that the domestic violence complaint has been lodged only by the sister of the respondent and not by the respondent herself. The fulcrum of the complaint is that there was a claim for dowry and



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the respondent and her parents were harassed and unduly influenced and coerced to part with huge monies for the benefit of the 1st petitioner. In this regard, the document in which it is admitted by the 1st petitioner that his father-in-law has given substantial monies is also brought to my notice. These documents are all part of the Mutual Settlement Agreement, culminating in not only mutual consent divorce but also settlement of all financial terms, including division of properties. It is to be noted that the move for divorce was also initiated only by the respondent. It is one another issue that the respondent has herself committed domestic violence and complaints had been lodged and she was also imprisoned and later released on surety, subject to condition being imposed.

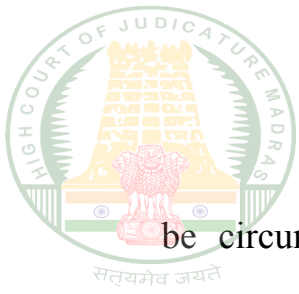
16. Even discounting all these factors, when the respondent has consented for dissolution of marriage and has acted upon the Mutual Settlement Agreement entered into between the parties even as early as in 2021, which included the present claims that are being made, it is nothing but a sheer abuse of process of law on the part of the respondent to attempt to reopen an issue that has attained finality, especially with the full consent and knowledge of the respondent herself.



17. Further, as also contended by the learned counsel for the petitioner, the respondent is also a normal resident of USA, being a Green Card holder and both the 1st petitioner and the respondent have only resided away from India ever since the respondent joined the husband in November 2011 and they have been to India only for short stays, during holidays. The main complaint under the domestic violence case is also that the respondent's father has gifted 80,000 US Dollars for enabling purchase of a house by the 1st petitioner in US. It is not out of place to refer that as part of the settlement, properties were also divided 50:50 share. The respondent never chose to dispute the said sharing of the property at that relevant point of time and on the contrary, accepted the settlement. Thereafter, after lapse of more than two years, the respondent is attempting to take advantage of the admission of the 1st petitioner that a sum of 80000 US Dollars was contributed by the respondent's father.

18. In my considered opinion, when all these issues have been mutually discussed and settled even in 2021, it is not open to the respondent to fall back on the statements of the parties made thereunder, in order to initiate fresh proceedings, that too, punitive in nature, under the Domestic Violence Act.

19. No doubt, the Hon'ble Supreme Court in *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai's case*, has held that the High Court should



be circumspect in invoking the discretionary power under Article 227 of Constitution of India where an appeal remedy is available. However, in *K.P.Natarajan and Others Vs. Muthalammal and Others*, reported in (2021) 15 SCC 817, subsequently the Hon'ble Supreme Court has held that the power of the High Court under Article 227 of Constitution of India to strike off vexatious pleadings which are clearly an abuse of process is permissible and such power is available to this Court.

20. In view of the foregoing discussions and the fact that the respondent has finally settled all her disputes and claims with the 1st petitioner and entered into a Mutual Settlement Agreement and also a divorce petition at her instance, she cannot now initiate a fresh round of litigation, taking advantage of some documents that are exhibited before the Courts in USA. This Court is certainly entitled to strike off the case where there is absolutely no ground made out even from the domestic violence complaint and the claim itself is established to be frivolous and vexatious. Further, when the parties did not even reside in India, the domestic violence complaint also being filed by the wife through her sister, it also establishes that there is no jurisdiction for the Additional Mahila Court, Metropolitan Magistrate, Egmore, Chennai, to entertain the complaint. In the light of the above, I have no hesitation in holding that the present domestic



CRP.No.1557 of 2024

violence case is nothing but yet another attempt to wreck vengeance against the
1st petitioner and his family.

21.In fine, the Civil Revision Petition is allowed and the case in D.V.C.No.190 of 2023 pending on the file of the Additional Mahila Court, Metropolitan Magistrate, Egmore, Chennai is struck off. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

14.07.2025

Speaking/Non-speaking order
Index : Yes/No
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To

The Additional Mahila Court, Metropolitan Magistrate, Egmore, Chennai.

P.B.BALAJI.J.

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CRP.No.1557 of 2024

Pre-delivery order made in
CRP.No.1557 of 2024
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