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CRP.No.199



CRP.No.1996 of 2025

**P.B.BALAJI, J.**

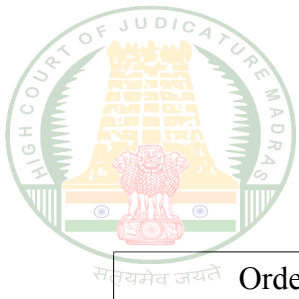
After pronouncement of the order today i.e 18.07.2025 in the above Civil revision petition, Mr.K.N.Nataraj, the learned counsel for the respondent submits that the parties have already adduced evidence and the proceedings in the said Domestic violence complaint is pending at the stage of final arguments and thereby, he seeks for a direction to the Trial Court for expeditious disposal of the Domestic violence complaint in DVC.No.30 of 2023, on the file of the Judicial Magistrate – II, Tambaram.

2. In view of the above submission, read this order in continuation of and in conjunction with the order dated 18.07.2025 that reads as follows:

*“The Judicial Magistrate – II, Tambaram is directed to dispose of DVC.No.30 of 2023 pending on its file within a period of eight(8) weeks from the date of receipt of a copy of this order”.*

**18.07.2025**

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CRP.No.199



## IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 14.07.2025

Order pronounced on : 18.07.2025

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

CRP.No.1996 of 2025  
& CMP.No.11487 of 2025

1.Arjun Raj  
2.N.Mariaappan  
3.M.Bhakya Lakshmi

..Petitioners

Vs.

S.Deepa

..Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of Constitution of India, to call for records pertaining to D.V.C.No.30 of 2023 on the file of the Judicial Magistrate – II, Tambaram, and strike off the names of the revision petitioners as abuse of process of law.

For Petitioners : Mr.L.Muruganantham

For Respondent : Mr.K.N.Nataraja

**ORDER**

The Civil Revision Petition has been filed by the husband and parents-in-law of the respondent, seeking to strike off the domestic violence complaint in DVC.No.30 of 2023, on the file of the Judicial Magistrate II, Tambaram.

2.I have heard the learned counsel for the petitioners, Mr. L. Murugan and



Mr. K. N. Nataraj.

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3.The learned counsel for the petitioners would submit that though there is no limitation for filing of domestic violence complaint, when the complaint is wholly vexatious and especially when there has been no cohabitation between the spouses, who have been living separately for the last 10 years, the domestic violence complaint is nothing but a gross abuse and liable to be struck off.

4.The learned counsel for the petitioners would take me through the complaints that have been lodged against the revision petitioners and state that they are all frivolous in nature and there was never any demand for dowry by the petitioners. The learned counsel would also state that the respondent / wife left the matrimonial house out of her own volition and after a lapse of 10 years, the complaint has been lodged with imaginary and vexatious allegations which do not warrant a trial at all. A reference is also made to the deposition of the respondent before the Judicial Magistrate I at Tambaram, where the wife has been examined as P.W.1 and even from the said deposition, it is contended that there is no allegation of any act of domestic violence.

5.Per contra, the learned counsel for the respondent, Mr.K.N.Nataraj, would



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submit that the respondent has made specific allegations against all the petitioners and unless the parties lead oral and documentary evidence, the truth or falsity in the allegations cannot be established or decided by the competent Court trying the dispute.

The learned counsel would also take me through the specific and particular allegations against the petitioners with detailed description of the incident of domestic violence along with the date/period. He would therefore state that all these allegations require evidence to be let in by the parties and the complaint cannot be thrown out at the threshold. The learned counsel would also invite my attention to the maintenance case that has been filed by the respondent before the Judicial Magistrate I at Tambaram, where also there are absolutely no allegations made against any of the petitioners. He would therefore pray for dismissal of the revision.

6.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the domestic violence complaint, where incidents of domestic violence, mainly verbal abuse and insults have been alleged against not only the husband but also specifically against the in-laws, with either the date of occurrence or at least the month of occurrence mentioned.

7.As many as 14 instances of domestic violence have been narrated in the



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complaint. Insofar as the non-mentioning about these allegations in the MC case, I do not see any requirement for setting out the incidents of domestic violence in an application seeking maintenance from the husband. Therefore, merely because there is no allegation or reference to any acts of domestic violence in the maintenance case, it does not mean that the respondent is estopped from initiating a complaint with regard to acts of domestic violence before a competent forum.

8.I can atleast understand if there were matrimonial proceedings for dissolution of the marriage on the ground of cruelty and in the said proceedings, there has been no reference to such acts of domestic violence that are now being complained of. However, in a maintenance claim petition, it is not necessary for the wife to narrate any acts of domestic violence which are not within the scope of the maintenance claim itself. The learned counsel for the petitioner has also referred to the domestic violence complaint, which annexes the report of the Social Welfare Officer dated 13.07.2021 and it fortifies his contentions regarding the *prima facie* truth in the allegations of domestic violence.

9.The learned counsel to the respondent has also placed reliance on the decision of this Court in *C. Karthikeyan and others vs R. Ambritha and another*, in *CRP.(MD).No.268 of 2024* dated 09.02.2024, where this Court in the said decision held that cognizance was taken on the basis of a report submitted by the Protection



Officer and an application for quashing the complaint has been filed. This Court has further held that the petitioners can always redress their grievances before the Magistrate by filing an appropriate application for deletion as the case may be and it is not proper for the petitioners to straight away approach the High Court under Article 227 of the Constitution of India to seek striking off the domestic violence complaint itself.

10.As I have already found that specific allegations, some with reference to particular dates or at least months have been set out in the domestic violence complaint and the Protection Officer's report dated 13.07.2021 also supports the allegations that have been made in the domestic violence complaint, in such circumstances, I do not find there being a case made out for striking off the domestic violence complaint as against the petitioners. The petitioners have to necessarily undergo trial and establish that they are not guilty of committing any acts of domestic violence. Considering that the petitioners 2 and 3 are the parents-in-law and are aged, their physical presence before the Trial Court is dispensed with and they are entitled to be represented through counsel, except on the dates where their appearance would be absolutely necessary, for the purposes of their examination. I do not find any merit in the revision petition, seeking to strike off the domestic violence complaint.

11.In fine, the Civil Revision Petition is dismissed. There shall be no order as to



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costs. Connected Civil Miscellaneous Petition is closed.

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18.07.2025

Speaking/Non-speaking order

Index : Yes/No

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To

The Judicial Magistrate – II,  
Tambaram.

**P.B.BALAJI.J,**

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Pre-delivery order made in  
CRP.No.1996 of 2025  
& CMP.No.11487 of 2025

18.07.2025