



CRP No.2699 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No.2699 of 2025 and CMP Nos.15255 and 15256 of 2025

1.R.Sambathkumar
2.R.Ramachandran
3.R.Priyadharshini
4.R.Vasantha
5.R.Mohankumar

... Petitioners

Vs

Mrs.Lakshmi Prabha

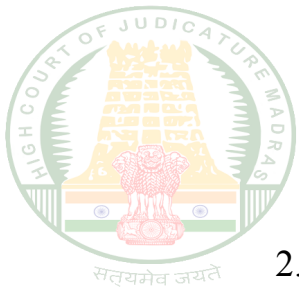
..Respondent

Revision filed under Article 227 of Constitution of India as against in
DVC No.11/2025 on the file of the Court of Principal District Munsif cum
Judicial Magistrate, Gudalur, Nilgiris.

For Petitioners : Mr.N.U.Pressana
For Respondent : Mr.Y.Kaja Navas

ORDER

Heard Mr.N.U.Pressana, learned counsel for the petitioners and
Mr.Y.Kaja Navas, learned counsel for the respondent.



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2. The revision petitioners are the husband, brother-in-laws and sister-in-law of the respondent. The parties viz., 1st petitioner and the respondent were married on 20.03.2024. According to the respondent, the petitioners have committed several acts of domestic violence which clearly fall within the ambit of Section 3 of Protection of Women from Domestic Violence Act, 2005 (for short “the DV Act,2005”).

3. Making such allegations and explaining the various incidents where the respondent has been abused, the respondent has chosen to initiate proceedings in D.V.No.11 of 2025 before the District Munsif cum Judicial Magistrate, Gudalur.

4. Now the respondents in the said Domestic Violence Complaint are before this Court, seeking to strike off the complaint filed by the respondent/wife.

5. Learned counsel for the petitioners, inviting my attention to the Domestic Violence complaint, states that the allegations made against all the petitioners are generic and vague and therefore, in the absence of any specific



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allegations pinpointing to each of the petitioners, the learned Magistrate ought not to have taken cognizance of the domestic violence complaint.

Learned counsel would refer to the decision of the Hon'ble Supreme Court in ***Geddam Jhansi and another vs State of Telangana and Others*** reported in ***2025 SCC Online SC 263***, where the Hon'ble Supreme Court has held that in matters pertaining to Domestic Violence Complaints, the complaints and charges should be specific as far as possible as against each and every member of the family, who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process, by indiscriminately dragging all the members of the family.

6. Learned counsel for the petitioners would therefore state that the facts of the present case is also one where no specific allegations are made against the petitioners individually.

7. Per contra, learned counsel for the respondent/wife would invite my attention to the domestic violence complaint itself and take me through the various paragraphs where specific allegations have been made against all the petitioners herein. He would state that the allegations are clearly amounting



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to abuse which is defined under Section 3 of the Act 43 of 2005 and therefore, the petitioners have not made out any case and he would further submit that it is a case where the parties have to undergo trial and establish their contentions before the Judicial Magistrate.

8. I have carefully considered the submissions made by the learned counsel on either side and have gone through the domestic violence complaint and also kept in mind the ratio laid down by the Hon'ble Supreme Court in *Geddani Jhansi and another vs State of Telangana and Others* reported in *2025 SCC Online SC 263*, and also *Shaurabh Kumar Tripathi vs Vidhi Rawal* reported in *AIR 2025 SC 2598*, where the Hon'ble Supreme Court has held that for challenging the proceedings under Section 12 of the Act, proceedings under Section 482 of Criminal Procedure Code can be maintained and the Hon'ble Supreme Court has further held that High Court should exercise caution and circumspection when dealing with an application under Section 12(1) and normally, interference under Section 482 of Cr.P.C is warranted only in the case of gross illegality or injustice.

9. On going through the domestic violence complaint, insofar as the



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first petitioner/husband, I find that there is no possibility that the complaint against the first petitioner/husband can be struck off. The entirety of the allegations are directed against the first petitioner/husband and therefore, the first respondent/husband has to necessarily face the trial.

10. As rightly pointed out by the learned counsel for the respondent/wife, specific allegations have been made as against both the father-in-law and the mother-in-law at more than two places in the complaint, which brings the complaint within Explanation I (iv) of Section 3 of the Act.

11. Insofar the brother-in-law is concerned, the specific case of the respondent is that the property, where the 5th petitioner resides is a joint property and the 5th petitioner has stated that it is his property and called upon the respondent and the first petitioner to vacate the property and live in a rented premises. It is also the specific allegation of the respondent/wife that the 5th respondent physically abused her, which falls under Explanation I of Section (i) of Section 3 of the Act. Therefore, I do not see how these petitioners are also entitled to seek to strike off the domestic violence complaint as against them.

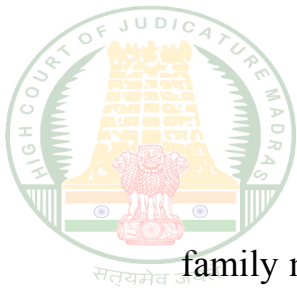


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12. However, with regard to the third petitioner, excepting for a solitary allegation in the domestic violence complaint, there is no other allegation made against the third petitioner/sister-in-law, who admittedly is not residing in the shared household and she is living with her husband and she is also blessed with a child born on March 2017 and presently, she is pregnant and expecting birth of a new child. No specific allegation, with reference to even any particular date has been made as against the sister-in-law and the allegations that have been made against the sister-in-law in the complaint are also not specific but generic and only combined with either the father-in-law or mother-in-law. As held by the Hon'ble Supreme Court, the Court should be cautious while dealing with a complaint under Section 12(i) of the Domestic Violence Act and if it is shown that the charges are not specific against family members of the husband, who are sought to be prosecuted and indiscriminately dragging them to criminal process, would certainly lead to irreparable loss and hardship being caused to such members of the family.

13. The Hon'ble Supreme Court has also held that implicating the



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family members without specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence would amount to abuse of process of law. Therefore, having carefully gone through the domestic violence complaint, I am unable to find that even a prima facie case has been made out by the respondent/wife as against the third petitioner/sister-in-law. However, the same cannot be said so with regard to the other petitioners.

14. In view of the above, I am inclined to allow the civil revision petition as against the third petitioner alone and insofar as the other petitioners, the domestic violence complaint shall be proceeded with in accordance with law. Considering the ratio laid down by the Full Bench of this Court in *Arul Daniel and Others vs Sukanya* reported in (2022) 3 *MWN (Crl)* 539, the presence of the petitioners shall not be insisted upon by the Magistrate, unless for the hearings where they are called upon to lead evidence, in chief and cross, and not on all other hearings.

P.B.BALAJI.,J



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15. With the above observation, the civil revision is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

22.08.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To

The Principal District Munsif cum Judicial Magistrate,
Gudalur, Nilgiris

C.R.P.No.2699 of 2025