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C.R.P.No.2273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 18-08-2025  
PRONOUNCED ON: 29-08-2025

CORAM

**THE HONOURABLE MR.JUSTICE P.B. BALAJI**

**CRP No. 2273 of 2024 & CRP NO. 1028 OF 2025**

**AND**

**CMP NO. 11984 OF 2024& CMP NO. 5959 OF 2025,**

1. DHILIPKUMAR

S/o.Raghuraman, No.15/8, 7th East  
Cross Street, Gandhi Nagar, Katpadi,  
Vellore.

Petitioner(s)

Vs

1. Selisha @ Umamaheswari  
W/o.Dhilipkumar, Age 34 years, Plot  
No.3, Maruthi Nagar, Phase I, South  
Avenue Road, Vallalar, Vellore.

Respondent(s)

**CMP No. 11984 of 2024**

1. DHILIPKUMAR

W/o. A. Radhakrishnan, No.1,  
Valaiyalkarar Street, Kaveripakkam,  
Ranipet District - 632 508.

Petitioner(s)

Vs

1. Selisha @ Umamaheswari  
W/o.Dhilipkumar, Age 34 years, Plot



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No.3, Maruthi Nagar, Phase I, South  
Avenue Road, Vallalar, Vellore.

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Respondent(s)

**CMP No. 5959 of 2025**

1. GAJALAKSHMI

W/o.Raghuraman, NO.15/8, 7th East  
Cross Street, Gandhi Nagar, Katpadi,  
Vellore

2.SELVALAKSHMI

W/o.Chinnasamy, NO.15/8, 7th East  
Cross Street, Gandhi Nagar, Katpadi,  
Vellore

Petitioner(s)

Vs

1. Selisha @ Umamaheswari

W/o.Dhilipkumar, D/o.Kotteeswaran,  
Plot No.3, Phase-I, Vallalar,  
sathuvachari, Vellore-632009

Respondent(s)

**CRP No. 1028 of 2025**

1. GAJALAKSHMI

W/o.Raghuraman, NO.15/8, 7th East  
Cross Street, Gandhi Nagar, Katpadi,  
Vellore

2.SELVALAKSHMI

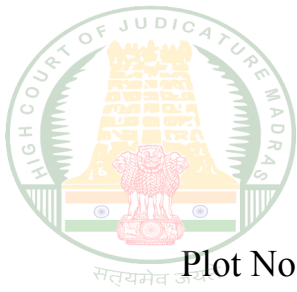
W/o.Chinnasamy, NO.15/8, 7th East  
Cross Street, Gandhi Nagar, Katpadi,  
Vellore

Petitioner(s)

Vs

1. Selisha @ Umamaheswari

W/o.Dhilipkumar, D/o.Kotteeswaran,



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Plot No.3, Phase-I, Vallalar,  
sathuvachari, Vellore-632009

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Respondent(s)

**CRP No. 2273 of 2024**

**PRAYER**

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 10.04.2024 made in CMP.No.15661 of 2022 in D.V.C.No.17 of 2022 passed by Additional Mahila Court, Vellore.

**CMP No. 11984 of 2024**

**PRAYER**

To stay the operation of the order dated 11.04.2024 made in CMP.No.15661 of 2022 in D.V.C.No.17 of 2022 passed by Additional Mahila Court, Vellore.

**CMP No. 5959 of 2025**

**PRAYER**

To stay all further proceedings in DVC No.17/2022, pending trial on the file of the Judicial Magistrate (Additional Mahila Court), Vellore pending disposal of the CRP

**CRP No. 1028 of 2025**

**PRAYER**

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to strike off the complaint filed in DVC No.17/2022, on the file of the Judicial Magistrate (Additional Mahila Court), Vellore against revision Petitioners.

**IN Both CRPs. 2273 of 2024**

For Petitioner(s): M/s. P.V.Murlidhar  
(in CRP/2273/24)  
Mr.N.Palanikumar  
(in CRP/1028/25)

For Respondent(s): M/s. S.Bhargavi Gopalan

**COMMON ORDER**



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The revision in [CRP.No.1028](#) of 2025 has been filed by the mother-in-law and sister-in-law of the respondent in both these revisions, seeking to strike off the domestic violence complaint in [DVC.No.17/2022](#) filed by the respondent against the respective petitioners. The revision in [CRP.No.2273](#) of 2025 has been filed by the husband, challenging the orders passed in [CMP.No.1567](#) of 2025 in [DVC.No.17/2022](#), in and by which the Judicial Magistrate has allowed the residential petition filed by the wife.

2. I have heard Mr.P.V.Muralidharan, learned counsel for the petitioner in [CRP.No.2273/2025](#) and MR.N.Palanikumar, learned counsel for the petitioner in [CRP.No.1028/2025](#) and Mrs S. Bhargavi Gopalan, learned counsel for the respondent in both the revisions.

3. The learned counsel for the petitioners would contend that the respondent, only with a view to harass the petitioners, namely the husband and mother-in-law, has chosen to initiate a domestic violence complaint. According to the petitioners, the allegations in the domestic violence complaint are not even date-specific and are general and very vague, and the learned magistrate ought not to have taken them on file. The petitioners therefore seek for the domestic violence complaint to be struck off.



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4. It is also contended by the petitioner that the DVC complaint has been filed with malafide intention to harass the petitioners and there is absolutely no merit in the allegations made in the DVC complaint. It is also stated that the wife has been living separately from the husband for over ten years, and the domestic violence complaint is also be barred by limitation. It is also the contention of the petitioner that the proceedings for divorce have already been initiated and the same is pending.

5. Insofar as the other revision, it is the contention of the learned counsel for the petitioners that at the time of marriage, though the petitioner and the respondent were living in the shared house along with the parents of the petitioner/husband, subsequently the petitioner has left the matrimonial home, and the husband has also been living separately from his parents, in a rented accommodation, and for nearly 10 years the wife never chose to seek any residential orders or direction, and only in order to harass the mother-in-law, the respondent has filed an interlocutory application seeking residential protection, that too in the place where the husband does not reside, but only the mother-in-law resides.

6. The learned counsel would further state that the order of the judicial magistrate would only further sour the relationship and complicate the



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matters, and in fact the learned counsel also offers to provide a rental accommodation up to a maximum of Rs.10000/- per month and undertakes to pay the rental advance for such residential accommodation, to be taken up by the respondent/wife.

7. Per contra, Mrs.S.Bhargavi Gopalan, learned counsel for the respondent, would state that the allegations that are made in the DVC have to be tested, only by entering into the witness box and leading oral and documentary evidence. The petitioners have not made out any case of lack of patent jurisdiction to entertain the complaint, which alone would warrant striking off the complaint even under the Protection for Women under the Domestic Violence Act. She would further contend that the judicial magistrate has not committed any error in allowing the miscellaneous petition for residential protection since there is accommodation available in the place where the petitioner and the respondent originally resided, even though the husband does not reside in the same property and there is no error committed by the learned Judicial Magistrate, in directing the petitioner to provide residential accommodation in the property where the mother of the husband resides. She would therefore seek for dismissal of both revisions.

8. I have considered the submissions advanced by learned counsels on



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either side.

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9. As rightly submitted by the learned counsel for the respondent as against the husband, there are allegations that have been made, and these can be tested only if the parties lead evidence and the court can decide the application, complaining of the acts of domestic violence only after elaborate enquiry/trial. At the same time on going through the allegations in the domestic violence complaint as against the mother-in-law, and I do not find that there are any serious allegations made against the mother-in-law.

10. All the allegations that are made against the sister-in-law are either generic or vague in nature or are combined allegations made against both the mother-in-law and the husband. The reliefs sought for by the respondent in the domestic violence complaint can all be effectively enforced as against the husband alone, and therefore I do not see any requirement or necessity for the respondent to proceed with the domestic violence complaint as against the sister -in-law, especially in light of there being no serious allegations of domestic violence being inflicted by the sister-in-law as against the respondent.

11. However, insofar as the mother-in-law, the first petitioner, is concerned, there are serious allegations that have been made, and the mother-



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in-law would have to necessarily undergo trial and establish all her defences at trial.

12. In the light of the above, I am inclined to strike off the domestic violence complaint insofar as the sister-in-law, the second petitioner, alone. However, in view of the ratio laid down by the Hon'ble Division Bench in a case reported in **2022 SCC OnLine Mad 5435** held in **Arul Daniel Vs. Suganya**, the mother-in-law's physical presence shall not be insisted upon by the learned judicial magistrate for every hearing, and the 1st petitioner shall be required to be present only on the dates when her examination would take place in chief and cross-examination.

13. Coming to the residential protection order, granted by the learned Magistrate which is challenged in [CRP.No.2237/2024](#), I find merit in the submissions of the learned counsel for the petitioner/husband that when the petitioner himself is not residing in the said house where only his mother resides, the judicial magistrate ought not to have ordered residential accommodation to be provided in the said property. It is not a shared household since the petitioner/husband admittedly has subsequently moved out of the said house and taken a tenanted accommodation and resides there. Further, the wife has also left the matrimonial home about 10 years back, and

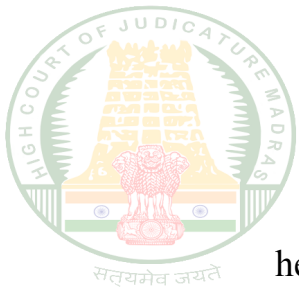


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for all these ten years, she has not sought any residential protection, and after filing the domestic violence complaint, she has thought it fit to make a claim in this regard along with the domestic violence complaint, and that too in the year 2022 alone.

14. Therefore, considering the subsequent events and also taking into account the offer of the husband that he is ready to provide her a residential accommodation for a maximum of Rs. 10,000/- per month and also agrees to pay the advance payable to the landlord for such accommodation, I am proceeding to modify the order of the learned Judicial Magistrate, in the manner following:

(i) The respondent/wife shall be provided with a residential accommodation in the vicinity of the present residence of the respondent, to enable her and the child to live peacefully, without any disturbance or discomfort. It is made clear that up to a sum of Rs.10000/- per month and the entire residential advance for such residential accommodation, the petitioner/husband shall be responsible for such payments, and the said rental payment shall continue till the disposal of the domestic violence complaint. It is also open to the respondent to identify a residential premises for



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herself and the petitioner/husband shall be liable to pay the entire rental advance as well as the rents, subject to an outer limit of Rs.10,000/-. In the event of the rent being more than Rs.10,000/-, the excess over and above Rs.10000/- and propositions excess advance shall be paid by the wife.

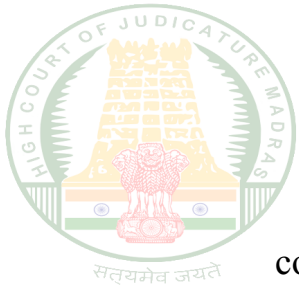
(ii) Considering that a domestic violence complaint is pending from 2022 before the Judicial Magistrate, (Additional Mahila Court) Vellore, a direction is also given to the Additional Mahila Judge to expedite the enquiry/trial in the said domestic violence complaint and dispose of it within a period of nine months from the date of receipt of a copy of this order.

15. In the result,

(a) CRP.No.1028/2025 is **partly allowed** and the domestic violence complaint filed in DVC No.17/2022, on the file of the Judicial Magistrate (Additional Mahila Court), Vellore is struck off as against the 2<sup>nd</sup> petitioner alone.

(b) CRP.No.2273/2025 is allowed with the above direction in para 14 supra.

(c) There shall be no order as to costs. Consequently, the



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connected miscellaneous petitions are closed.

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29-08-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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The Judicial Magistrate, (Additional Mahila Court) Vellore.



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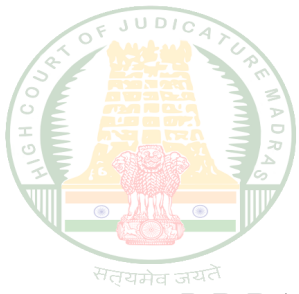
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**P.B.BALAJI J.**

jrs

**CRP No. 2273 of 2024 & CRP NO. 1028 OF 2025  
AND  
CMP NO. 11984 OF 2024& CMP NO. 5959 OF  
2025.**

**29.08.2025**



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

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The matter has been listed today under the caption “Being Mentioned”.

2. Registry is directed to carry out the following corrections:

(i) There is a typographical error while indicating the year and registration number of civil revision petition at Paragraph Nos.1,2, 13 and 15(b). The same shall be corrected as **CRP No. 2273 of 2024.**

(ii) In Paragraph No.9, instead of mother-in-law, the same shall be recorded as “**sister-in-law**”.

(iii) The following sentence shall be incorporated at the end of Paragraph No.14(i):

“The first respondent's husband shall pay a sum of Rs.30,000/-(Rupees Thirty Thousand Only) towards rental advance within a period of fifteen days from the date of receipt of a copy of this order”.

Registry is directed to carry out the above corrections and issue fresh order copy.

08.09.2025

sr

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

14/15



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sr

**CRP No. 2273 of 2024 & CRP NO. 1028 OF 2025**

**08.09.2025**