

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 28.08.2025

Order pronounced on : 12.09.2025

WEB COPY

CORAM

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

CRP.Nos.2994 & 761 of 2025
& CMP.No.4270 of 2025

CRP.No.2994 of 2025:

Monica P Jain

..Petitioner

Vs.

1.Ajit Kumar
2.Raj Kumari

..Respondents

Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the order dated 03.12.2024 in CrI.M.P.No.255 of 2024 in D.V.C.No.56 of 2023 passed by the Additional Mahila Court, Egmore, Chennai.

For Petitioner : Mrs.Jayanthi K.Shah

For Respondents : Mr.G.Kalyan Jhabakh
for M/s.Surana and Surana for R1

CRP.No.761 of 2025:

Ajit Kumar

..Petitioner

Vs.



1.Monica P.Jain
2.Raj Kumari

..Respondents

WEB COPY

Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the order dated 03.12.2024 in CrI.M.P.No.255 of 2024 in D.V.C.No.56 of 2023 on the file of the Additional Mahila Court, Egmore, Chennai.

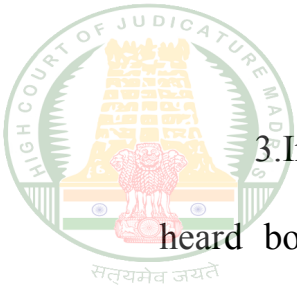
For Petitioner : Mr.G.Kalyan Jhabakh
for M/s.Surana and Surana

For Respondents : Mrs.Jayanthi K.Shah for R1

COMMON ORDER

CRP.No.761 of 2025 has been filed by the father-in-law, who is accused of committing acts of domestic violence against their daughter-in-law, the respondent.

2.CRP. No. 2994 of 2025 has been filed by the daughter-in-law, challenging the order in CrI.MP.No. 255 of 2024 in DVC.No. 56 of 2023 on the file of the Additional Mahila Court, Egmore, Chennai, in and by which, the Mahila Court has dismissed the domestic violence complaint against the mother-in-law.



3. In view of the same order being challenged by the rival parties, I have heard both the revisions together. I have heard Mr.G.Kalyan Jhabakh for M/s.Surana and Surana, learned counsel for the petitioner in [CRP.No.761](#) of 2025 and 1st respondent in [CRP.No.2994](#) of 2025 and Mrs.Jayanthi K.Shah, learned counsel for the petitioner in [CRP.No.2994](#) of 2025 and the 1st respondent in [CRP.No.761](#) of 2025.

4. Mr.G.Kalyan Jhabakh, learned counsel for the in-laws would first and foremost contend that the respondent/wife has blown hot and cold and lodged a false domestic violence complaint only to harass the in-laws. He would invite my attention to the First Information Report based on the first complaint lodged by the daughter-in-law, the lawyer's notice and reply to the same as well and finally to the domestic violence complaint itself and contend that the daughter-in-law has clearly improved her version, step by step starting from the first complaint lodged before the police authorities and lastly, culminating in the complaint under the provisions of the Protection of Women from Domestic Violence Act, 2005.

5. Mr.G.Kalyan Jhabakh, learned counsel for the petitioner would take me through the averments in the said documents and also the pleadings. It is



therefore contended that the respondent never intended to treat the residence of the in-laws as her matrimonial home and it cannot fall within the definition of a shared household to enable the daughter-in-law to make any claims under the Act No. 43 of 2005. He would also state that the correspondence that emanated from the daughter-in-law, clearly evidence the fact that it was the decision of the daughter-in-law to join her husband in the United States of America and towards the fag end of the period of stay in India, the daughter-in-law has proceeded to lodge a complaint on 30.09.2022 when the son and daughter-in-law were about to leave for United States of America on 01.10.2022.

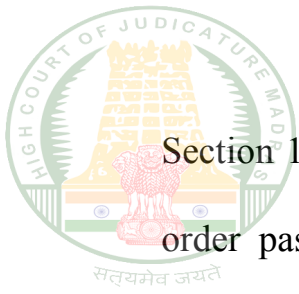
6.Mr.G.Kalyan Jhabakh would further state that the daughter-in-law joined her husband after marriage, even in October 2020 and both of them came down to India only on 27.08.2022, that too for purposes of extending the visa. He would also point out to the admissions in this regard made by the daughter-in-law that on 29.08.2022 the daughter-in-law and her husband went to US consulate for the purposes of renewal of the visa. He would also take me through the allegations made against the father-in-law and the mother-in-law and contend that at the earliest instance, the only allegation against the father-in-law was that when his son was abusing his wife, the father-in-law remained a mute spectator. However, with passage of time and the relationship souring,



fresh and new allegations cropped up and at every stage, the daughter-in-law has kept improving her version in order to make a fanciful claim that the daughter-in-law is entitled to protection under the provisions of [Act.No.43](#) of 2005. The learned counsel would also state that there was also a proposal for filing a mutual consent divorce petition and a draft petition was sent by the husband through mail and there was no reply to the said mail.

7.Mr.G.Kalyan Jhabakh would also state that based on the first complaint dated 30.09.2022, an FIR has been registered on 03.10.2022 and subsequently, a charge sheet has also been framed and a criminal case is pending regarding the said complaint. It is therefore the contention of Mr.G.Kalyan Jhabakh that when the parties are already facing criminal proceedings, it is totally unnecessary for the in-laws to face one more round of criminal proceedings by way of the domestic violence complaint. He would therefore pray for CRP.No.761 of 2025 to be allowed and CRP.No. 2994 of 2025 to be dismissed.

8.Firstly, Mrs.Jayanthi K. Shah would attack the maintainability of the revision. According to the learned counsel, the application filed under Section 25(2) of the Protection of Women from Domestic Violence Act, 2005 is not maintainable. She would state that it is only an order of protection under



Section 18, which can be challenged under Section 25(2) and when there is no order passed by the Mahila Court, the question of seeking modification or alteration of the order does not even arise. Meeting the said preliminary objection, Mr.G.Kalyan Jhabakh would invite my attention to Section 25(2), which contemplates any order of the magistrate which can be challenged under 25(2) of Domestic Violence Act. He would therefore state that the petition as framed before the Additional Mahila Court is very well maintainable.

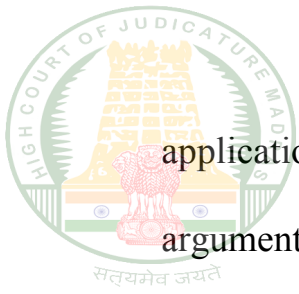
9. Section 25(1) and 25(2) of the the Protection of Women from Domestic Violence Act, 2005 is extracted hereunder for easy reference:

“25. Duration and alteration of orders.

(1) A protection order made under section 18 shall be in force till the aggrieved person applies for discharge.

(2) If the Magistrate, on receipt of an application from the aggrieved person or the respondent, is satisfied that there is a change in the circumstances requiring alteration, modification or revocation of any order made under this Act, he may, for reasons to be recorded in writing pass such order, as he may deem appropriate.”

10. Therefore, the use of the words “any order passed” would clearly indicate that it is not restricted to orders passed under Section 18 alone and even the order taking cognizance of the domestic violence complaint, in my considered opinion, is revisable by way of alteration or modification by an



application to the Magistrate himself. Therefore, I am unable to accept the arguments of Mrs.Jayanthi K. Shah regarding maintainability of the petitions before the Additional Mahila Court.

11.Regarding the merits, Mrs.Jayanthi K. Shah, learned counsel for the petitioner in CRP.No.2994 of 2025 and respondent in CRP.No.761 of 2025 would state that though the marriage was an arranged marriage and it was celebrated in 2020 and even in 2017, the same proposal was contemplated, but however, was rejected by the wife/daughter-in-law, on the ground that the bride groom was not intending to come back to India. However, according to the daughter-in-law, the family of her husband had assured that he would come down and settle in India eventually and therefore, the wife agreed for the marriage.

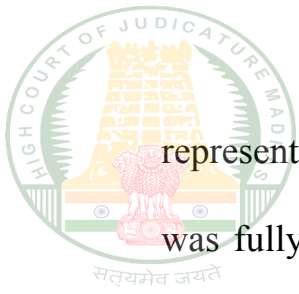
12.It is the specific contention of Mrs.Jayanthi K. Shah that there were specific demands for costly gifts for the groom's family members and a huge quantity of silverware was given, apart from 2.5 kgs of gold. She would also state that the husband's family wanted a destination wedding at Jaipur, but however the wife's family could not afford the same and after discussion, it was agreed that the wedding would be celebrated at Ramoji City Hyderabad. She



would further state that even to meet the wedding expenses, the father of the wife had to borrow heavily and despite promising to bear 50% of the expenses in connection with the wedding, the husband's family did not keep up their promise.

13.Mrs.Jayanthi K.Shah, learned counsel would also state that the husband wanted the wife to stay back and take care of his parents and only on that ground, the wife did not join the husband and she stayed for 10 months in the matrimonial home with the in-laws and it is only during this period that the in-laws have committed several acts of domestic violence. She further states that the father-in-law is an alcoholic and the mother-in-law forced the wife to go and give food prepared to the father-in-law and it is the case of the wife/daughter-in-law that the father-in-law has abused the wife/daughter-in-law.

14.It is also the contention of Mrs.Jayanthi K. Shah that the complaint is clearly implicating the mother-in-law as well, since it is specifically pleaded that at the time of going abroad, all the jewels of the wife were handed over to the mother-in-law. The learned counsel Mrs.Jayanthi K. Shah would also state that even in the proceedings before the Family Court, the father-in-law alone is



representing the husband and therefore, he is not a third party or stranger and he was fully involved in all the proceedings. She would also refer to a series of orders passed by this court in the criminal side, where right from 22.12.2022 and as late as 04.04.2025, there have been orders passed regarding the disputes, especially the return of jewellery and passport of the wife. She would therefore state that it is a case where the parties would have to necessarily undergo trial and a summary rejection or striking of the domestic violence complaint is not permissible. She would also state that the learned Judicial Magistrate has erroneously dismissed the domestic violence complaint against the mother-in-law, without noticing the specific allegations that are made against the mother-in-law, especially relating to jewellery. The learned counsel would therefore pray for CRP.No.2994 of 2025 to be allowed and [CRP.No.721](#) of 2025 to be dismissed.

15.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the records.

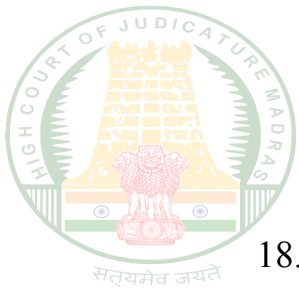
16.The marriage between the parties is not in dispute. Equally, the relationship between the parties to these revisions is also admitted. The fact that the husband is employed abroad, namely United States of America, is also not in dispute. The wife is a practicing doctor / dentist. It is the case of the wife that



her in-laws have inflicted several acts of domestic violence and only to get necessary relief, the complaint has been lodged. The first police complaint that

is given by the wife is dated 30.09.2022. This complaint has triggered the entire sequence of events thereafter. In the said complaint to the Deputy Commissioner of Police, the wife has stated that the wife's passport, jewellery, cash, silver and other electronic items are being unlawfully retained by the husband and the husband's family and that they are taking advantage of the said documents/articles being available with them, to compel the wife to agree for a mutual consent divorce petition.

17.In her detailed narration in the complaint, a very general and vague allegation that multiple incidents have happened after the marriage and that the wife was ill-treated, verbally and physically abused, threatened, pushed and asked to leave the house multiple times is made. However, on reading the complaint as a whole, the said allegations are made and directed against the husband alone. In paragraph No.8 of the said police complaint, the wife has stated that her husband behaved aggressively and even pushed the wife's brother, who had come to visit her and that the above mentioned incident happened in the presence of the father-in-law, who did not object to his son's behaviour.



WEB COPY

18.It is further seen from the complaint that the grievance of the wife appears to have been that in the draft mutual consent divorce petition, there is a clause stating that the jewellery has already been returned. It is specifically argued by Mrs.Jayanthi K. Shah, learned counsel for the wife that soon after receipt of the said draft by email, she had contacted the Senior Counsel who was advising her husband and that he had assured that at the time of signing the mutual consent divorce petition, the articles, the jewellery and other articles would be returned. However, I find that there is not even a reply to the said email sent by the learned counsel for the husband, regarding the filing of a mutual consent divorce petition. In any event, in a draft, that is circulated for approval of the other side, the mere fact that the petition contains a statement that all jewellery are returned does not mean anything, for the simple reason that it is only at the time of signing the petition and presenting it before the competent Court that the said clause regarding return of jewellery and articles would have to be completed / complied by them.

19.If really the wife had any apprehensions or grievances, she could have certainly sent a reply email, setting out the apprehensions of the wife. Admittedly, there is no reply to the said email enclosing a draft of the mutual

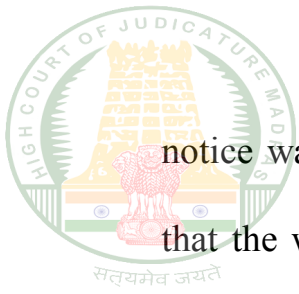


consent divorce petition. It is to be kept in mind that even in the domestic violence complaint, the wife admits to the fact that the parties had agreed to go

for a mutual consent divorce petition.

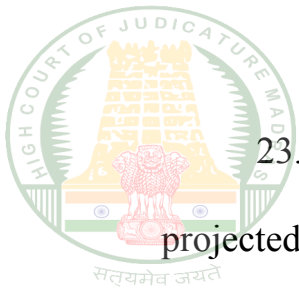
20.Coming back to the police complaint dated 30.09.2022, the apprehension was that the husband and husband's family were trying to leave India, in order to escape and avoid returning back valuable property, including the passport of the wife. The FIR came to be registered on 03.10.2022 based on this complaint dated 30.09.2022. Thereafter, on 03.10.2022, the husband has caused a lawyer's notice to the respondent, stating that the wife had decided on her own volition to not come back with the husband to USA and the wife's family were agreeable for filing a petition for divorce by mutual consent. There is also reference to the draft of the petition sent by the husband's advocate by email on 28.09.2022.

21.However, it is stated that the wife wanted ransom compensation for agreeing for mutual consent, by claiming an astronomical figure apart from exchange of articles and has threatened the husband that if the said money is not paid, the wife would lodge a complaint under dowry harassment and cause irreparable loss and hardship to the entire family. On 05.10.2022, another



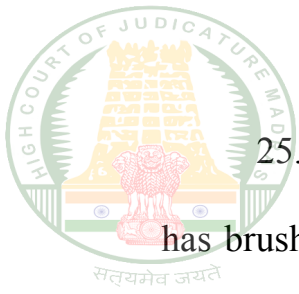
notice was caused by the husband, in furtherance of the earlier notice, stating that the wife has given a false police complaint and is harassing the husband and the entire family. The wife has been informed that air tickets have been purchased by the husband to travel back to USA from Chennai and the husband had, in fact, paid even for the dental education course in USA, including meeting the educational fees of the wife. The said notice also states that neither the husband nor his parents had demanded, or any of the relatives for that matter have demanded any dowry from the wife and the wife was called upon to desist from taking illegal and wrongful actions.

22.The wife has sent a reply to the lawyer's notice dated 11.11.2022, only referring to the first notice dated 03.10.2022. There is no whisper about the second notice dated 05.10.2022. In the said reply, the wife places reliance upon the complaint dated 30.09.2022 lodged before the Kilpauk Women's Wing Police. It is also set out in the said reply notice at paragraph No.8, referring to the allegations against the father-in-law. It is stated that the husband was acting aggressively and angrily and that the father-in-law, who was very much there remained a spectator. There is no other allegation made against the father-in-law even in the said reply notice.



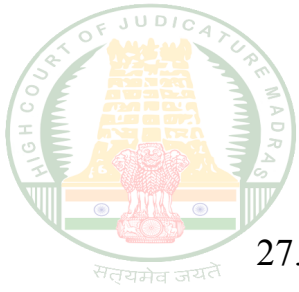
23. However, in the domestic violence complaint, the said version projected in the FIR and the reply notice has been modified and it is contended in paragraph No.30 that when the husband hit, pushed and asked the wife to leave the house and also threw the wife's suitcase out of the house and behaved aggressively, the father-in-law did not object to such unruly behaviour of his son and was provoking the 1st respondent to behave in such a manner. The allegation of provoking the son to behave in such a manner is clearly invented in the domestic violence complaint. Such an allegation has not been made against the father-in-law either in the FIR or the reply notice.

24. Therefore, as rightly contended by Mr.G.Kalyan Jhabakh, I find that the wife has kept changing, rather improving her allegations, with a view to strengthen her case for protection under [Act.No.43](#) of 2005. In this regard, the decision of the Bombay High Court has been relied on by Mr.G.Kalyan Jhabakh, learned counsel for the in-laws. In *Raymond Ltd. v. Miltex Apparels and others* reported in 2025:BHC-OS:2896, the Bombay High Court has discussed the doctrine of *post litem motam* and *anti litem motam* and discussed the effect of the same.



25. Though Mrs. Jayanthi K. Shah, learned counsel for the 1st respondent has brushed off the said decision stating that the case has been decided under the arbitration law and it cannot apply to a matrimonial proceeding where emotions run high and such doctrines would be wholly inapplicable, I am unable to countenance the said submissions of the learned counsel for the wife.

26. Firstly, the wife is well qualified and in fact, she is a practicing dentist. She is worldly wise and even in the first police complaint to All Women's Police Station, she has narrated her grievances in great detail. The same was reiterated in the reply notice dated 11.11.2022. However, when the complaint came to be filed under the Domestic Violence Act, the version projected by the wife has been greatly varied and the allegations are more potent than what was originally made in the first instance and also followed up on the same lines alone in the reply notice, which is the second instance, where the wife has come on record regarding the allegations against the husband and the husband's family. I am in agreement with the view expressed by the Bombay High Court. The words used after the litigation commences, would certainly be unreliable, biased and the value of such statements would stand eroded as against what has been stated before litigation actually started, which would have a greater degree of reliability.



WEB COPY

27. Even otherwise, as admitted by both parties, the first FIR, that was registered on 03.10.2022, has taken the shape of a charge sheet and a criminal case has also been registered which is being defended by the in-laws and the husband. I do not see any requirement for a parallel criminal proceeding to be permitted under the guise of the allegations made in the domestic violence complaint, especially against the in-laws. The wife will have ample and adequate opportunity to prove all her allegations in the criminal case, which is pending.

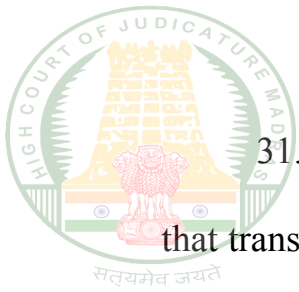
28. Also, the primordial grievance of the wife throughout appears to be that valuable jewellery and passport have not been returned. In this regard, there have been multiple criminal proceedings initiated and several orders passed by this Court as well and admittedly, the First Information Report dated 03.10.2022 is now pending in a criminal case as well. Therefore, I do not see how the wife is going to be prejudiced, if the domestic violence complaint is struck off.

29. Further, from the arguments advanced by learned counsel on either side and the pleadings and documents available by way of a typed set of papers,



I am able to notice that the trigger point was only when the draft of the mutual consent divorce petition contained a clause, as if jewellery had already been returned. I do not see any motive behind the said statement contained in the draft of the mutual consent petition. As already discussed, the draft was sent only for the purposes of approval of the other side and by no stretch of imagination, the draft can be relied on to contend that the statement made in the said draft is true or that it means the jewellery has already been returned.

30. The wife can always refuse to sign the mutual consent divorce petition, if at the time of signing the petition, the jewels are not returned. Therefore, in any event, as already observed, there was not even a reply to the said email sent by the husband and the entire chain of events culminating in the domestic violence complaint have arisen only subsequent to the said draft consent petition containing the statement that jewellery has already been returned. Therefore, I do not find any real merit in the complaints that have been made against the father-in-law. As already discussed in detail, the allegations against the father-in-law was only that he was a mute spectator and subsequently, it has been improved to contend that he instigated his son to act aggressively against the wife.



31. The domestic violence complaint is certainly a follow-up of the events that transpired prior to 30.09.2022, which has led to the entire subsequent chain of events, culminating in the domestic violence complaint itself. I do not see how the wife is entitled to maintain the domestic violence complaint against the father-in-law, when the allegations made at the earliest instance which are to be given more and due weightage.

32. The Honourable Supreme Court in a recent decision in *Geddam Jhansi and others v. State of Telangana and others* in 2025 INSC 160, has held as follows:

“32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.”

33. The Honourable Supreme Court also held that it will be difficult to produce direct evidence regarding domestic violence, but Courts have to be careful when dealing with such cases, by examining whether there are specific



allegations with instances against the perpetrators and not generalized allegations. The purpose and mandate of the law to protect the victims of

WEB COPY

domestic violence was reiterated to be of paramount importance, but however, the Honourable Supreme Court held that a balance has to be struck by ensuring that while perpetrators are brought to book, all family members or relatives are not indiscriminately brought within the criminal net in a sweeping manner. The ratio laid down by the Honourable Supreme Court in the said case would squarely apply to the facts of the present case and therefore, I am inclined to strike off the domestic violence complaint against the father-in-law.

34.Coming to the other revision, the learned Magistrate, in and by order dated 03.12.2024 in [Crl.MP.No.225](#) of 2024, has found that no case has been made out against the mother-in-law. It is the contention of Mrs.Jayanthi K.Shah that the allegations regarding the handing over of jewellery to the mother-in-law are specifically made in the complaint and therefore, the mother-in-law cannot be let off and she has to face trial. I find that the learned Additional Mahila Court has discussed each of the allegations individually and found that there is no specific allegation against the mother-in-law and hence the mother-in-law was entitled to be relieved from the domestic violence complaint.

35.Though the learned counsel for the wife would point out that in the



penultimate paragraph of the impugned order the learned Judge has found that the name of the mother-in-law needs not be removed from the domestic violence complaint, but yet has proceeded to allow the mother-in-law to be relieved from the main domestic violence complaint, I find that it is only a typographical error and on an overall reading of the order dated 03.12.2024, I find that the entire allegations have been discussed threadbare and the learned Magistrate has found that there is no case made out as against the mother-in-law. I do not see any grounds to interfere with the said order of the learned Mahila Judge, warranting interference under Article 227 of the Constitution of India.

36.In fine, the C.R.P.No.761 of 2025 is allowed and the order dated 03.12.2024 in CrI.M.P.No.255 of 2024 in D.V.C.No.56 of 2023 on the file of the Additional Mahila Court, Egmore, Chennai, is set aside. CRP.No.2994 of 2025 is dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

12.09.2025

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



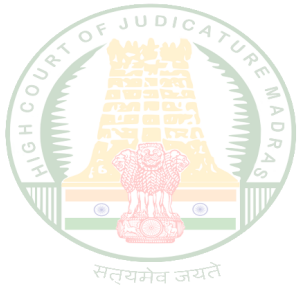
To

The Additional Mahila Court, Egmore, Chennai.

WEB COPY

CRP.Nos.2994 & 761 of 2021





WEB COPY

CRP.Nos.2994 & 761 of 2025



P.B.BALAJI.J.

ata

Pre-delivery order made in
CRP.Nos.2994 & 761 of 2025
& CMP.No.4270 of 2025

12.09.2025