



CRP.No.240 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 24.06.2025

Order pronounced on : 04.07.2025

CORAM

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

CRP.No.240 of 2022
& CMP.Nos.1192 & 1193 of 2022

1.U.Saravanakumar
2.Uthuraj
3.U.Rajeswari
4.U.Vanathi

..Petitioners

Vs.

J.Yuvana

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the entire records pertaining to the proceedings initiated by the respondents in D.V.C.No.16 of 2020 on the file of the learned Judicial Magistrate, Ambattur and set aside the same.

For Petitioners : Mrs.Narmadha Sampath
for Mr.S.Kumar Sankar

For Respondent : Mr.Mohanethi



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ORDER

This Civil Revision Petition has been preferred by the respondent in D.V.C.No.16 of 2020 before the learned Judicial Magistrate, Ambattur.

2.The 1st petitioner is the husband of the respondent, the petitioners 2 and 3 are the father and mother of the 1st petitioner and the 4th petitioner is the sister of the 1st petitioner and daughter of the petitioners 2 and 3.

3.The respondent/wife has filed DVC proceedings on the file of the learned Judicial Magistrate, Ambattur. The petitioners who are arrayed as respondents in the said DVC proceedings have come before this Court seeking to strike off the DVC proceedings.

4.I have heard Mrs.Narmadha Sampath, learned counsel appearing for Mr.S.Kumar Sankar, learned counsel for the petitioners and Mr.Mohanethi, learned counsel appearing for the respondent.

5.Mrs.Narmadha Sampath, learned counsel appearing for the petitioners would submit that the DVC complaint is a sheer abuse of process. She would further state that in the Judicial Magistrate Court, where the proceedings are pending for dissolution of marriage, the respondent also filed a petition for



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interim maintenance, which was ordered by the Family Court and subsequently, modified by this Court. She would further submit that the amount that was directed by this Court to be paid has been paid by the 1st petitioner and the 1st petitioner continues to pay the same to the wife. However, she would submit that no new facts have been substantiated or set out in the DVC proceedings. She would further submit that the respondent has also lodged a complaint against the petitioner under Section 498A of IPC and this Court in CrI.O.P(MD).No.4812 of 2021, by order dated 14.11.2024, quashed the said complaint. The learned counsel for the petitioner would further state that no new allegations have been made, leave alone substantiated in the said DVC. She would refer to a communication of the Social Welfare Officer, which was also taken note of by this Court while quashing the criminal complaint lodged under Section 498A of IPC. She would further rely on the decision of this Court in *B.Prakash Vs. Deepa & Another*, reported in *2015 MWN CRI 3 161*. The learned counsel for the petitioner would therefore pray for the Civil Revision Petition being allowed.

6.Per contra, Mr.Mohanethi, learned counsel for the respondent would submit that the report of the Social Welfare Officer was only pertaining to



dowry harassment and not in respect of domestic violence. He would further

state that the allegations that have been made in the DVC are subject matter of the trial and already proceedings are pending for divorce as well as for restitution of conjugal rights. He would further state that the respondent has been suffering for the last four years and the 1st petitioner is only paying a meagre amount which has been revised to Rs.3,000/- by this Court. The learned counsel for the respondent would further state that the order passed in CrI.O.P(MD).No.4812 of 2021 was only as against the petitioners 2 to 4 and not against the 1st petitioner/husband. He would therefore state that no case has been made out to strike off the DVC complaint.

7.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the records including the order in CrI.O.P(MD).No.4812 of 2021. I have paid my cautious consideration on the decision that has been relied on by the learned counsel for the petitioner in *B.Prakash Vs. Deepa and Another* reported in 2015 MWN CRI 3 161.

8.From a reading of the domestic violence complaint, I find that the allegations that have been made against the petitioners are all relating to the



incidents that have occurred prior to 2020. The respondent herself has admitted

that she approached the Inspector of Police, All Women Police Station, Samayanallur and lodged a detailed complaint regarding the domestic violence on 08.08.2019. It is also admitted that FIR was registered under Sections 294(b), 498(A), 406, 506(2) of IPC and Section 4 of TNPHW Act. I find that on a reading of the entire complaint, not a single allegation is made against the petitioners in respect of any incident that has occurred after her complaint dated 08.08.2019. In this context, the order passed by this Court in CrI.O.P.(MD)No.4812 of 2021, no doubt against the petitioners 2 and 4 alone, assumes relevance and significance.

9.Even according to the petitioners, the complaint lodged by the respondent was complaining of domestic violence. However, based on the evidence of the Social Welfare Officer and his report dated 10.02.2020, this Court held that the proceedings as against in-laws and sister-in-law were unwarranted and the complaint was quashed directing the Court to proceed with the case as against the 1st petitioner/husband alone. A direction was also given to complete the proceedings, within a period of three months. On the same set of facts and allegations, the respondent has once again chosen to file a domestic violence complaint against all the petitioners.



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10.As held by this Court in B.Prakash's case, when different proceedings are initiated on the same set of allegations and cause of action, it would amount to clear abuse of process of Court. The respondent is also not left high and dry and this Court has already directed the criminal case to be proceeded as against the respondent. I therefore, deem it not necessary for the petitioners to undergo the agony of one more trial on the same set of allegations that is already subject matter of CC.No.77 of 2020 as against the 1st petitioner. Admittedly, the petitioners 2 to 4 have been discharged in the said proceedings.

11.In view of the above, I am of the considered opinion that there is absolutely no material to substantiate any act of domestic violence subsequent to the earlier complaint which is already pending in C.C.No.77 of 2020 and the present complaint is nothing but a sheer abuse of process of law and clear attempt to harass the petitioners. Therefore, I am inclined to allow the Civil Revision Petition.

12.In fine, the Civil Revision Petition is allowed and the case in D.V.C.No.16 of 2020 on the file of the learned Judicial Magistrate, Ambattur, is struck off. There shall be no order as to costs. Connected Civil Miscellaneous



Petition is closed.

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

The Judicial Magistrate, Ambattur.



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Pre-delivery order made in
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