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CRP. PD. No.2452 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:14.07.2025

Pronounced on: 18.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. PD. No.2452 of 2025
and CMP. No.14076 of 2025**

1.Krishnamoorthi
2.Rajeswari

Petitioner(s)

Vs

1.G.Sharmila
2.Giridharan

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike of the Application in D.V.A. No.02 of 2025 on the file of the learned Judicial Magistrate No.1, Gobichettipalayam so far as the petitioners are concerned.

For Petitioners : Mr. R.T.Vishnu
For Respondents : Mr. G.M.Gokul Ram,
for M/s.Ram Gokul Advocates

ORDER

The father in law and mother in law of the first respondent, who has filed proceedings before the learned Judicial Magistrate No.1,



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Gobichettipalayam in D.V.A.No.2 of 2025, are the revision petitioners seeking to strike off the said Application in so far as the petitioners.

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2. I have heard Mr.R.T.Vishnu, learned counsel for the petitioners and Mr.G.M.Gokulram for M/s. Ram Gokul Advocates, learned counsel for the respondents.

3. The learned counsel for the petitioners states that the petitioners are not residing with their son and daughter in law, who have set up a separate residence and pointing out to the allegations that have been made against these petitioners, learned counsel would state that the allegations are either generic in nature or vague and not supported by specific instances with reference to dates.

4. The learned counsel for the petitioners would also state that only after the divorce proceedings were initiated by their son, the second respondent herein, the present domestic violence complaint came to be filed and he would contend that this is nothing but a counter-blast to the



divorce proceedings initiated by the second respondent.

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5. The learned counsel would also place reliance on the decision of the Hon'able Supreme Court in ***Dara Lakshmi Narayana and others vs State of Telangana and another*** reported in ***(2025) 3 SCC 735***, where an FIR under Section 498-A of the Indian Penal Code was quashed by the Hon'ble Supreme Court on the ground that the FIR was lodged with ulterior motives to settle personal scores and grudges against the husband and his family members with vague and omnibus allegations, without mentioning any specific details including date, time, place or manner of commission of alleged offenses.

6. Per Contra, Mr.G.M.Gokulram, learned counsel for the respondents referring to the allegations that have been made against the revision petitioners in the domestic violence complaint would contend that there is sufficient foundation laid by the first respondent to prima facie establish verbal, emotional as well as economic abuse under Section 3 of the Domestic Violence Act, 2005.



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7. He would further state that the petitioners therefore have to necessarily go through trial and they cannot seek to strike off the domestic violence complaint as against the revision petitioners. The learned counsel would further state that the decision that has been relied on by the learned counsel for the petitioners was one arising under Section 498-A and hence the same cannot be applied to the facts of the present case.

8. I have carefully considered submissions advanced by the learned counsel on either side. I have also gone through the domestic violence complaint.

9. As rightly contended by the learned counsel for the petitioners, the allegations that have been made against the parents in law are either omnibus or vague. Further admittedly, the petitioners are also not residing with the respondents for at least the last couple of years and more. Even the reliefs sought in the domestic violence complaint are all directed against the second respondent/husband excepting for compensation, which is sought for against all the respondents, including

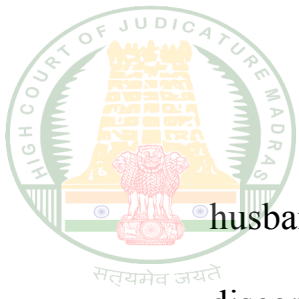


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the petitioners herein as well. No doubt the decision of the Hon'ble Supreme Court in *Dara Lakshmi Narayana's case* (referred herein supra), arose under Section 498-A of the Indian Penal Code, 1860.

10. The Domestic Violence Act has been enacted in order to address and provide civil remedies to the wife who has suffered physically and mentally at the hands of the husband and the husband's family. The Act also provides for civil as well as criminal consequences. Under Section 498-A of the IPC, the complaint is purely criminal in nature and the punishments which are contemplated are equally draconian. Therefore, I do not see any reason to not apply the said decision to the facts of the present case, when admittedly the pleadings are vague and general as against the petitioners.

11. The Hon'ble Supreme Court has held that mere reference to names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating active involvement of the said family members should be nipped in the bud. It has been further held that nowadays, there is a tendency to implicate all members of the



husband's family when domestic disputes arise out of a matrimonial discord and when general and sweeping accusations, unsupported by concrete evidence or particularized allegations are made, it cannot form the basis for criminal prosecution as Courts are bound to exercise caution in such cases to prevent misuse of the legal provisions and avoid unnecessary harassment of innocent family members.

12. Adverting to the facts of the present case as well, as rightly pointed out by the learned counsel for the petitioners, the allegations against the petitioners herein are only generic in nature, that is implicating the petitioners along with the second respondent/husband and further no specific dates or particular instances have been mentioned. It is also to be borne in mind that right from 2023 onwards, the respondents are living separately and further, admittedly domestic violence complaint has been lodged only after the second respondent has initiated proceedings for dissolution of the marriage. Therefore, taking into consideration all these overall facts and circumstances, I do not find that there is any legitimate grounds to proceed against the revision petitioners against whom no serious or concrete complaints have been

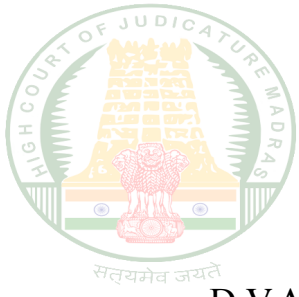


made even in the domestic violence complaint.

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13. Further, as rightly pointed out by learned counsel for the petitioners, even the reliefs that are sought for are all to be enforced against the husband of the first respondent, viz., the second respondent, excepting for compensation which is sought for against all the respondents, which again can be effectively worked out against the second respondent/ husband.

14. In the light of the above, applying the ratio laid down by the Hon'ble Supreme Court in *Dara Lakshmi Narayana's case*, (referred herein supra), I am of the considered opinion that the petitioners need not be proceeded against in the domestic violence complaint, before the learned Judicial Magistrate No.I, Gobichettipalayam and the first respondent is at liberty to work out her remedy and obtain all reliefs, as permissible under law as against the second respondent/husband, subject to establishing her entitlement. In so far as the petitioners, forcing them to face the proceedings in the absence of specific pleadings, would certainly result in grave injustice to them.



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15. In fine, this Civil Revision Petition is allowed. Accordingly,

D.V.A. No.02 of 2025 on the file of the learned Judicial Magistrate No.1,

Gobichettipalayam is struck off. Connected Miscellaneous Petition is closed. No costs.

18.07.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The Judicial Magistrate No.I,
Gobichettipalayam.



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P.B.BALAJI, J.,

rkp

Pre-delivery order in
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