

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 30.07.2025

Order pronounced on : 22.08.2025

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

CRP.No.2736 of 2025
& CMP.No.15456 of 2025

1.Shanthi
2.Dr.G.Chidambaranathan
3.Dr.Mathunram

..Petitioners

Vs.

Dr.P.Dhivya

..Respondent

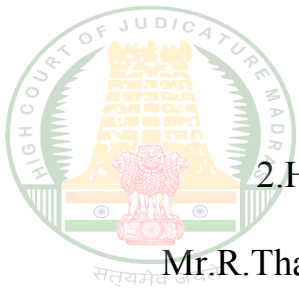
Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records pertaining to the proceeding filed by the respondent and pending on the file of the learned Additional Mahila Judge, Salem, in D.V.C.No.20 of 2025, strike off the same.

For Petitioners : Mr.P.K.Rajagopal

For Respondent : Mr.R.Thanigai Arasan

ORDER

The petitioners, who have been arrayed as respondents in D.V.C.No.20 of 2025, on the file of the learned Additional Mahila Judge, Salem, have come forward with the present revision seeking to strike off the domestic violence complaint in D.V.C.No.20 of 2025.



2.Heard Mr.P.K.Rajagopal, learned counsel for the petitioners and Mr.R.Thanigai Arasan, learned counsel for the respondent.

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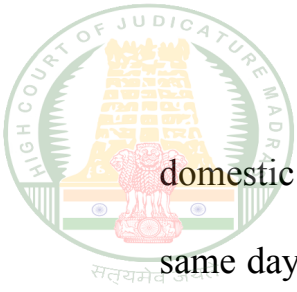
3.The learned counsel for the petitioners would contend that the domestic violence complaint that has been filed against the petitioners, namely the husband and in-laws of the respondent is a clear abuse of process and is liable to be struck off. He would further state that the marriage between the first petitioner and the respondent was performed on 19.10.2018 and twin children were born to them in April 2020, after the respondent underwent In Vitro Fertilization treatment. He would further state that the respondent left the matrimonial home on 29.06.2022.

4.The learned counsel for the petitioners, inviting my attention to the complaints lodged by the father-in-law of the respondent on 10.03.2024 and 16.03.2024, would submit that the father-in-law has expressed his concern over the misunderstanding between the spouses and wanted the respondent to come back to the matrimonial home. In this regard, he would take me through the contents of the two letters dated 10.03.2024 and 16.03.2024. He would also state that the father-in-law has filed a suit in O.S.No.735 of 2024 for recovery of monies due and payable to him for having mortgaged his personal property



for meeting the higher educational expenses of the respondent. He would further state that despite having undertaken to repay the loan from and out of the stipend amounts that the respondent would be getting, the respondent breached her promises and in order to avoid the property from being sold, he has been constrained to pay the money due to the Bank and for the monies paid on behalf of the respondent, the father-in-law has also filed the said suit for recovery of money due and payable to him.

5.The learned counsel for the petitioners would invite my attention to the letter dated 18.12.2022 written by the respondent to the police officials where also she states that the disputes have arisen between the family members only with regard to her education, owing to the amounts spent by the father-in-law and that she is willing to live with her husband and children. He would specifically contend that at no point of time, there is any complaint of dowry harassment and only as a counter blast to the suit filed by the father-in-law, the respondent has lodged the domestic violence complaint on 03.07.2024. He would also invite my attention to the explanation offered by the petitioners to the said complaint. He would also invite my attention to the report of the police authorities which also does not indict the petitioners, in any manner and virtually absolves the petitioners of all allegations that have been made in the



domestic violence complaint. He would additionally bring to my notice on the same day of the domestic violence complaint, the wife has also chosen to file a petition for restitution of conjugal rights which virtually does not go hand in hand. He would therefore pray for the domestic violence complaint being struck off.

6.Per contra, the learned counsel for the respondent would state that the respondent was not allowed by the petitioners, to live a normal marital life and the father-in-law had went to the extent of writing to the bank to even not release the third year fees with a clear motive of harassing the respondent. He would also invite my attention to the letter dated 05.04.2023 where the guarantorship was revoked by a communication to Canara Bank. He would also state that the petitioners have been demanding exorbitant dowry from the respondent and the complaints of the respondent was never received by the police officials. Insofar as the report of the police officials which has been relied on by the learned counsel for the petitioners, the learned counsel for the respondent states that no proper enquiry was conducted and the respondent has already filed her objections to the said report.



7. It is also the case of the respondent that the petitioners are not allowing the respondent to even meet her twin children and the in-laws are not allowing the respondent to even speak to her husband. He would therefore state that all these matters require elaborate oral and documentary evidence and it is not a case where the complaint can be struck off, invoking powers under Article 227 of Constitution of India.

8. I have paid my anxious and careful consideration to the arguments advanced by the learned counsel on either side. I have also gone through the complaint in the DVC proceedings lodged by the respondent, invoking Sections 12, 18, 19, 20 to 22 of the Protection of Women from Domestic Violence Act.

9. In the complaint, the respondent has alleged that there was a demand for dowry and shreedhana, apart from marriage expenses and that submitting to the demands, the respondent parents gave 70 sovereigns of gold jewellery and Rs.10 lakhs in cash as dowry. It is also alleged that the respondent and the petitioners and his family members, under the influence of alcohol have demanded more dowry and abused the respondent who was treated as a maid and was not allowed to practice as a doctor, despite her qualification. It is also alleged that the respondent was forced to conceive through IVF facility.



However, it is relevant to note that all these complaints have surfaced for the first time in December 2024. The respondent has admittedly left the

matrimonial home alone, without even the children as early as on 29.06.2022.

Even thereafter, the respondent's father-in-law has written to the Assistant Commissioner of Police, Salem, on 27.10.2022 setting out the financial assistance rendered to the respondent and also requesting the police authorities to take steps to reunite his son with the respondent.

10. With regard to the amounts to be paid to the father-in-law, two notices have been issued on 10.03.2024 and 16.03.2024 and in view of the payment made to the Bank on behalf of the respondent, the father-in-law has filed the suit in O.S.No.735 of 2024 on 23.07.2024. It is the case of the respondent that the father-in-law has voluntarily paid the amount and has sought to recover the monies from the respondent which is only in lieu of the dowry claimed by the petitioners family. However, it is seen that as late as October 2023, the petitioners family only wanted reunion and till such date, there has been not a single complaint of dowry, leave alone any complaint having been lodged to the police authorities. It is only after receiving summons in the civil suit for recovery of money that the respondent has, for the first time, chosen to make all the allegations that have been made in the complaint, regarding dowry



harassment etc. Further, on enquiry, the police authorities have also *prima facie* found that the complaint of dowry harassment is also false. No doubt, the respondent has objected to the said report.

11.Be that as it may, considering that the respondent never chose to raise even a little finger till the suit was filed by the father-in-law for recovery of monies, the domestic violence complaint is clearly an after thought and a counter blast to the suit initiated by the respondent's father-in-law. Further, while making wild allegations against the husband and in-laws, it is really strange that the respondent on the same day has even chosen to file an application under Section 9 for restitution of conjugal rights.

12.The disputes clearly borders and revolves around only the properties mortgaged by the father-in-law of the respondent and amounts repayable to him. Having left the matrimonial home even in June 2022, the respondent never complained off being forced to have underwent IVF procedure for giving birth to twins even in April 2020 and even after having left the matrimonial home, the complaint has been lodged only in the month of October 2024, after the father-in-law of the respondent has filed the suit for recovery of monies paid by him on behalf of the respondent to the Bank. Therefore, I see merit in the arguments of the learned counsel for the petitioners.



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13.The Hon'ble Supreme Court, in *Kailashben Mahendrabhai Patel and Others Vs. State of Maharashtra and Another*, reported in 2024 SCC Online SC 2621, held that on the facts of the said case, it was seen that proceedings were instituted with malafide intention to harass the appellants by filing the domestic violence complaint. However, in the said case, the domestic violence complaint went to trial and culminated in a detailed judgment and appeal proceedings were also resorted to. In such circumstances, the Hon'ble Supreme Court held that the ingredients of Section 498A was not made out and a criminal proceedings were an abuse of process of law.

14.Therefore, I do not see any bonafides in the complaint lodged by the respondent and the same is without merit and nothing but an abuse of process and a counter blast to the civil suit filed by her father-in-law. Though the Hon'ble Full Bench of this Court in *Arul Daniel's case*, held that the Magistrate has to apply his mind judiciously even before issuing notices, the Magistrate has not followed the mandate of the Hon'ble Full Bench of this Court and has mechanically ordered notice to the petitioners. In the light of the above, I am inclined to interfere and strike off the domestic violence complaint.



15. In view of the above, the Civil Revision Petition is allowed and the domestic violence complaint in D.V.C.No.20 of 2025 on the file of the learned Additional Mahila Judge, Salem, is struck off. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

22.08.2025

Speaking/Non-speaking order

Index : Yes/No

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To

The Additional Mahila Court, Salem.



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P.B.BALAJI.J.

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Pre-delivery order made in
CRP.No.2736 of 2025
& CMP.No.15456 of 2025

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