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CRP No.5051 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 5051 of 2025 and

CMP No.25467 of 2025

1. K.Mohanraj,

2. Ester Vijaya, w/o K.Mohanraj
residing at No.53, Thiru Vi Ka Street,
Postal Audit Colony, Saligramam,
Chennai 600 093.

Petitioner(s)

Vs

1. Mrs. Jenifer Flora Navamani,
D/o Johnson
D.No.30, KRG Main Street, Ganapathy,
Coimbatore North, Coimbatore 641 006.

2. M.Surendar Joe, No.50, 2nd Floor,
Kambr Street, Postal Audit Colony,
Saligramam, Chennai 600 093.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the proceedings against this petitioners as being misconceived, malicious, abuse of legal process in DVC No.160 of 2025 pending on the file of the Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore.



For Petitioner(s): Mr. A.K.Jayaraj

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ORDER

This civil revision petition is filed seeking to strike off the proceedings initiated against the petitioners in DVC No.160 of 2025 on the file of the Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore by the first respondent herein.

2. The first respondent herein is the wife of the 2nd respondent and the petitioners herein are the parents of the 2nd respondent. The first respondent filed domestic violence complaint against the 2nd respondent as well as the petitioners in DVC No.160/2025. According to the first respondent, the marriage with the 2nd respondent was solemnised on 11.02.2022 and the petitioners and the 2nd respondent harassed her physically and also mentally, during her stay at matrimonial home. There are allegations of dowry demand, physical violence, verbal abuse, etc., in the complaint preferred by the first respondent. She sought for protection order, direction for return of gift articles presented by her parents at the time of marriage, compensation, maintenance and other incidental reliefs. Aggrieved by the initiation of proceedings under the Domestic Violence Act, the petitioners, who are the in-laws of the first respondent, preferred this civil revision petition.



3. The learned counsel for the petitioners vehemently contended that the first respondent never lived with the petitioners in a shared household and the allegations made in the complaint are false. According to the learned counsel for the petitioners, there is no specific allegation against the petitioners, so as to array them as respondents in the Domestic Violence case. According to the learned counsel, by giving false address, the complaint has been laid against the petitioners, as if they lived along with the 2nd respondent in a shared household.

4. A close reading of the complaint preferred by the first respondent would indicate that there are specific allegations of verbal abuse and physical violence by the petitioners against the first respondent. The truth or otherwise of the allegations made by the first respondent in the complaint has to be decided during enquiry, based on the evidence let in by the parties. It is settled law that while considering the petition to strike off the complaint, this court cannot go into the truth or otherwise of the allegations made in the complaint and it is a matter for evidence. When the averments against the petitioners regarding verbal abuse and physical violence are specific, this court, cannot strike off the complaint made by the first respondent, in exercise of its supervisory power under Article 227 of the Constitution of India. Whether the petitioners lived with the respondents 1 and 2 in a single household is a matter for evidence. In such circumstances, this court is not impressed with the arguments made by the learned counsel for the petitioners and as a necessary



consequence, this civil Revision petition is liable to be dismissed.

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5. Accordingly, this civil revision petition is dismissed. Connected miscellaneous petition is closed. There shall be no order as to costs. It is open to the petitioners to raise all the points raised by them in this civil revision petition before the Court below.

6. After dismissal of the civil revision petition, the learned counsel appearing for the petitioners seeks a direction from this court to dispense with the personal appearance of the petitioners during hearing before the Magistrate.

7. The petitioners are at liberty to file appropriate application before the Magistrate concerned, seeking to dispense with the personal appearance. If any such application is filed, the same shall be considered and disposed of as expeditiously as possible by the Magistrate concerned.

31-10-2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST



To

The Special Judge,
Special Court to try cases filed under
Protection of Women from Domestic Violence Act,
Coimbatore.



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S.SOUNTHAR J.

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