



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1936 of 2021

and

C.M.P.(MD).No.10419 of 2021

K.Krishnapriya

...Petitioner

Vs.

K.Visalatchi

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records of the proceedings in D.V.C.No.13 of 2021 on the file of the learned Judicial Magistrate, Tiruchendur and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.V.Karthikeyan
for Mr.J.Saravana Vel

For Respondent : Mr.J.Jeyakumarn

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ORDER

This petition has been filed seeking orders to set aside the proceedings in D.V.C.No.13 of 2021 on the file of the learned Judicial Magistrate, Tiruchendur and quash the same insofar as the petitioner is concerned.



2. The respondent herein filed a case in D.V.C. No.13 of 2021 before the learned Judicial Magistrate, Tiruchendur, against the petitioner and seven others under the provisions of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the “Act”).

3. The learned counsel appearing for the petitioner would submit that the petitioner has been arrayed as the eighth respondent in D.V.C. No.13 of 2021 and has been impleaded solely on the ground that she is in illegal relationship with one G. Yuvanesh @ Vignesh, who is the first respondent in the DVC case / husband of the respondent herein. He further submits that the petitioner is a double postgraduate and came into contact with the first respondent / husband while working as an Assistant Professor in a college at Chennai between 2008 and 2012. The petitioner is a married woman and has two children aged about 14 and 8 years, respectively. It is further submitted that the petitioner cannot be proceeded against under the Act by the respondent, as the same is without jurisdiction and does not satisfy the necessary ingredients under Section 2(a) and Section 2(q) of the Act. No specific relief has been sought against the petitioner, and apart from vague allegations, even those are not substantiated by the respondent / wife. Forcing the petitioner to face a full-fledged trial in the DVC proceedings based on such vague and unsubstantiated allegations is not sustainable. Accordingly, he prays for allowing the petition.



4. The learned counsel appearing for the respondent would submit that the petitioner has been arrayed as the eighth respondent, as she allegedly had frequent conversations and maintained illegal intimacy with the first respondent / husband. Audio recordings and photographs are stated to have been marked before the trial Court in support of these allegations. Therefore, she was impleaded in the domestic violence proceedings. It is further submitted that the petitioner cannot be discharged at the threshold stage and that she can very well canvass her defence before the trial Court. Accordingly, he prays for dismissal of the petition.

5. Heard the learned counsel on either side.

6. This Court perused the complaint made by the respondent as against the petitioner and other family members. In Paragraph Nos.1 and 17 of the DVC complaint, the respondent made allegations against the petitioner, claiming that she is in an illicit relationship with the first respondent/husband. Apart from these paragraphs, no other allegations have been made as against the petitioner. In Paragraph Nos.1 and 17, the respondent claims to have marked audio recordings before the trial Court. This Court now examines whether the allegations, even if taken at face value, would attract the provisions of Sections 2(a), 2(f), 2(q), and 3 of the Act.



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“Section 2(a) defines an “aggrieved person” as any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to domestic violence.

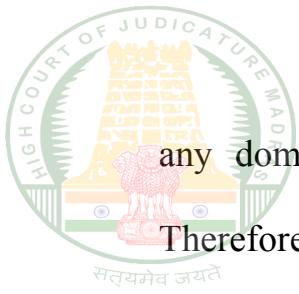
Section 2(f) defines “domestic relationship” as a relationship between two persons who live or have lived together in a shared household, when they are related by consanguinity, marriage, a relationship in the nature of marriage, adoption, or are family members living together as a joint family.

Section 2(q) defines “respondent” as any adult person who is, or has been, in a domestic relationship with the aggrieved person.

Section 3 defines domestic violence to include any act, omission, or conduct of the respondent that causes physical, sexual, verbal, emotional, or economic abuse, or otherwise harms the aggrieved person, physically or mentally.”

7. From a conjoint reading of the above provisions, it is clear that only persons who are or were in a domestic relationship with the aggrieved person can be arrayed as respondents under the Act.

8. In the present case, the alleged domestic violence is solely between the husband and wife. The petitioner, who is the eighth respondent, does not fall within the definition of a “respondent” under Section 2(q), as she does not share



any domestic relationship with the aggrieved person as per Section 2(f).

Therefore, the essential criteria under Section 3 for constituting an act of domestic violence are not satisfied in respect of the petitioner.

9. Thus, apart from the vague and unsubstantiated allegation of an illicit relationship, there are no other averments or material to justify the impleading of the petitioner under the Domestic Violence Act. Consequently, the continuation of proceedings against the petitioner is not sustainable in law.

10. Accordingly, the proceedings in D.V.C.No.13 of 2021 on the file of the learned Judicial Magistrate, Tiruchendur stands quashed insofar as the petitioner is concerned and the trial Court is directed to proceed with the case against others.

11. In the result, the Civil Revision Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

24.06.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Judicial Magistrate, Tiruchendur.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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