



CrI.R.C(MD)No.9 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.08.2025

PRONOUNCED ON : 21.11.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.R.C.(MD)No.9 of 2023

and

CRL.M.P.(MD)No.93 of 2023

1. Anthony Stalin
2. James Mary
3. A.Jesu
4. Alex

... Petitioners

Vs.

A. Arockia Sahayaruby

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the judgment passed in CrI.A.No.8 of 2021 on the file of 3rd Additional District and Sessions Court, Tiruchirappalli, confirming the order in M.C.No.120 of 2015 on the file of the Judicial Magistrate cum Additional Mahila Court, Tiruchirappalli and set aside the same.

For Petitioners : Mr.P.Arun Jayatram

For Respondent : Mr.T.Lenin Kumar



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ORDER

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The revision challenges the order of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, in M.C.No.120 of 2015, whereby (a) protection and residence orders were granted to the aggrieved wife, (b) return of stridhan/seervarisai articles was directed, (c) monetary relief by way of maintenance to the wife and minor son was awarded prospectively, with arrears from 13.07.2015, and (d) compensation was awarded for the domestic violence proved on record.

2. For the sake of convenience, the parties are referred to as per their ranking in M.C.No.120 of 2015.

3. Factual Matrix:

The petitioner-wife and the first respondent-husband were married on 11.02.2010 at Sakaya Matha Community Hall, Palakkarai, Tiruchirappalli. At the wedding, as pleaded by the wife, the husband received from her parents 13 sovereigns of gold jewels and household items as dowry; post-marriage, the petitioner and the respondents cohabited as a joint family. A male child named Adamspious was born to the couple. The petitioner alleges that despite her harmonious



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conduct and cooperation in household duties, the respondents treated her as a servant and subjected her to cruelty. It is alleged the first respondent-husband was habitually intoxicated, remaining under the influence of alcohol most of the time. When she raised concerns about her husband's conduct with respondents 2 and 3, she was warned that she will have to leave to her parental home, if she could not continue living with her husband. It was told by the respondents that they intended to arrange a favourable marriage for their son, which plan (as the petitioner claims) was frustrated because of the petitioner, and hence the respondents 2 and 3 intensified the cruelty towards her. During her pregnancy, the third respondent demanded Rs.50,000/- from the petitioner's brother, who was residing abroad; on expressing inability, she was threatened to leave the house and the first respondent allegedly threatened to marry another woman. She further contended that on one occasion when she sought hospitalisation during pregnancy, her husband (as alleged) took her to the bus stand and abandoned her there, compelling her to move to her parental home. Repeated phone calls for being taken back were allegedly disconnected; even during and after pregnancy, proper care was allegedly not provided; her brother only took responsibility and maintained her. She alleges that her husband is employed at the Tiruchirappalli Arms/Gun Factory earning Rs.40,000/- per month and has income from 15 acres



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of agricultural land at Kumbakkudi, nevertheless, he failed to support her. After alleged eviction, no financial support was provided. Her husband allegedly instigated the respondents 4 to 6 to ask additional dowry. It is also alleged that, 13 sovereigns of gold and household items worth Rs.3,00,000/- are with her husband. She claims right of residence in Door No.53, Meelur Keelatheru, Srirangam, Tiruchirappalli as the lawful wife.

4. Reliefs Sought by the wife in M.C.No.120 of 2015 are as follows:

- (i) Protection order against domestic cruelty.
- (ii) Maintenance: Rs.40,000/- per month.
- (iii) Compensation: Rs.10,00,000/- for damages due to domestic violence.
- (iv) Residence/anti-eviction injunction in the shared household.

5. Trial Court Proceedings & Verdict in M.C. No.120/2015

(a) Evidence



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(i) Wife was examined as P.W.1; Ex.P1–P5 marked; during cross of R.W.1 (3rd respondent), Ex.P6–P7 marked. The 3rd respondent is examined as R.W.1; no documents from defence; during cross of P.W.1, Ex.R1–R3 got marked.

(b) Issues framed:

(i) Whether the respondents subjected the petitioner to domestic violence?

(ii) Whether the petition is barred by limitation?

(iii) Whether the reliefs sought are admissible/grantable?

(c) Key Findings:

(i) Marriage & Shared Household: The factum of marriage on 11.02.2010 was admitted. Discrepancies about place of marriage (Ex.P1 invitation; P.W.1's cross stating O.F.D Arokia Matha Church, Tiruchirappalli) held immaterial, given the admitted relationship and Section 2(f) of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'the Act'). Joint family living after marriage was admitted by respondents in the counter affidavit dated 06.09.2016, and R.W.1's cross on 08.01.2020 that, "we are still living as a joint family". P.W.1 acknowledged 4th to 6th respondents later started living separately. Court held joint living of the petitioner and first



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respondent with 2nd to 4th respondents as proved. The factum of child's birth is established by Ex.P5 (23.04.2011) and admitted. The learned trial Court noted inconsistencies about miscarriage dates (June 2011/February 2012); however, as P.W.1 admitted she never returned after miscarriage, Court held that the petitioner did not live with the respondents after February 2012; and only period of joint living is from 11.02.2010 to June 2011.

(ii) Stridhan, household articles & two-wheeler: The petitioner pleaded that her parents gave 13 sovereigns of jewels and household articles worth Rs.3,00,000/- during marriage; however, in chief, she added that 3 sovereign jewels were given to her husband, creating a contradiction to her own pleadings. Respondents admitted that 8½ sovereigns of jewels to the petitioner and 2¼ sovereigns of jewels to the first respondent were given; R.W.1 admitted in cross: "all household articles and the motorcycle are still in my house." Court held that wife proved retention of her jewels, household articles, and two-wheeler by the respondents; such retention constitutes 'economic abuse' under Section 3 of the Act. Direction was issued to return all articles within 15 days.

(iii) Limitation & Continuing Offence: Relying on **Krishna Bhattacharjee v. Sarathi Choudhury**¹, the Court held retention of

1 (2016) 2 SCC 705 [CDJ 2015 SC 906]



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stridhan amounts to a continuing offence; proceedings not barred by Section 468 CrPC.

(iv) Mental Condition Plea: Defence of mental unsoundness unsubstantiated, since no documents marked or witness examined to prove the same in Cr.M.P.No.7866 of 2016. The Court personally questioned the first respondent and dismissed the plea on 21.11.2017, which was not further challenged and hence the said order attained finality.

(v) Domestic Violence Proof & Adverse Inference: Allegations of physical violence (coming home drunk, assault) and economic neglect (no maintenance even after interim orders of Family Court in M.C.No. 173 of 2014) was accepted. As Respondents 1, 2, 4, 5 & 6 did not enter the witness box to rebut, the Court drew adverse inference in line with **Vidhyadhar v. Manikrao**². Interestingly, Court also found false testimony by R.W.1 (third respondent). In the counter, it was claimed that the first respondent was dropped out from School; yet, Ex.P6 (10th mark sheet / ITI); and R.W.1's cross established that the first respondent has completed ITI, proving the defence version false. R.W.1 claimed that she saw the mother of the petitioner doing idli business on 04.06.2019, but Ex.P7 Death Certificate shows that the mother of the petitioner died on 24.05.2018, holding the testimony wholly false. The

² (1999) 3 SCC 573



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learned Trial Court cited **K. Kuppan v. Pandurangan**³, on false evidence and Section 340 of Cr.P.C. and held that there are sufficient ground to prosecute R.W.1 under Section 193 of IPC.

(vi) Residence & Protection: Given the marital status and prior residence in the shared household, the learned Trial Court directed arrangements within 15 days for the petitioner and child to reside safely in Door.No.2/202, M.G.R. Nagar, Rifle Factory Quarters, Tiruchirappalli, with non-interference/anti-eviction restraints against 1st to 4th respondents, granting general protection order against future domestic violence.

(vii) Maintenance (Alimony): The learned Trial Court held that the 1st respondent is under a legal obligation to maintain the petitioner / wife and child, since there is no proof as to alleged unemployment/low income/mental incapacity. As per section 106 of the Indian Evidence Act, burden on the first respondent has not been discharged. Maintenance fixed at Rs.6,000/- p.m. (the petitioner / wife) + Rs.4,000/- p.m. (child) = Rs.10,000/- p.m., from 13.07.2015 (date of filing), arrears within 15 days, in future by 5th of every month and an interim maintenance ordered earlier (Rs.7,000/- p.m. under Cr.M.P.No. 7417/2016, dated 03.02.2018) to be adjusted. Interim order executable notwithstanding this final order.

³ CDJ 2015 MHC 3298



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(viii) Compensation & Costs: For domestic violence, non-payment of maintenance despite interim orders and false defence, the learned Trial Court awarded Rs.5,00,000/- compensation jointly/severally against the 1st to 3rd respondents along with an additional compensation Rs.50,000/- as directed against the 3rd respondent for false evidence; and Rs.10,000/- costs against 1st to 3rd respondents. Copy of order was directed to be forwarded to the Protection Officer (Domestic Violence), Tiruchirappalli and All Women Police Station, Thiruverumbur for follow-up.

(d) Operative Directions (Consolidated)

In short, Maintenance Case was allowed; maintenance Rs. 10,000/- p.m. (Rs.6,000/- for wife + Rs.4,000/- for child) from 13.07.2015; arrears in 15 days; monthly by 5th. Return of gold, seervarisai, two-wheeler within 15 days. Residence order under Section 19 of the Act in Rifle Factory Quarters; non-interference/anti-eviction restraints against 1st to 4th respondents. Protection order restraining future domestic violence against 1st to 4th respondents. Compensation: Rs.5,00,000/- (R-1 to R-3, jointly/severally) + Rs.50,000/- (additional compensation against R-3) + Rs.10,000/- costs (R-1 to R-3). Interim maintenance paid, if any, to be adjusted; interim order executable notwithstanding this final order. Forwarding a copy to the Protection



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Officer & AWPS for compliance.

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6.Grounds of Criminal Revision in Crl.R.C.(MD)No.9 of 2023

It is urged that the learned 3rd Additional District & Sessions Court and the learned trial court failed to independently analyse the documents and oral evidence; the impugned order is cryptic and lacks proper judicial scrutiny, rendering it illegal on facts and in law. The concurrent judgments are alleged to be contrary to ***Rajnesh v. Neha***⁴, which prescribes procedures/principles for maintenance under the Act and allied statutes, particularly on financial disclosure, assessment of income, interim arrangements, and standardised formats. The grievance is that the Courts ignored/failed to apply these guidelines. The petitioner/wife's assertion that 1st respondent earns Rs.40,000/- p.m. allegedly lacks proof; conversely, the respondents pleaded mental disorder, lack of stable employment, with treatment borne by the 3rd respondent. It is contended that the Courts failed to appreciate this income-capacity defence and shifted the burden without adequate basis. The trial court is said to have assumed the role of a medical expert by concluding that R-1 is mentally fit, relying on judicial interaction in Crl.M.P.No.7866 of 2016, and thereby rejecting relevant

⁴ (2021) 2 SCC 324



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medical proof or the need for expert evaluation; this, it is urged, constitutes a misdirection in law and improper appreciation of the defence. Challenge is laid to the award of Rs.5,00,000/- compensation against 1st to 3rd respondents, Rs.50,000/- additional compensation against the 3rd respondent, Rs.10,000/- costs against the 1st to 3rd respondents and Rs.10,000/- p.m. maintenance (Rs.6,000/- + Rs. 4,000/-), as being unsupported by material, disproportionate, and passed without adequate findings on means, needs, standard of living, and ability to pay. The respondents assail the finding that R.W.1 (third respondent) gave false evidence, contending that the Court ought not to have discredited R.W.1's evidence as a whole or recorded a finding suggestive of perjury, and that the approach vitiated appreciation of the defence case.

7. Scope of Revisional Jurisdiction

The revisional Court does not re-appreciate evidence to substitute its view for that of the fact-finding court, unless the impugned order suffers from patent illegality, perversity, or results in miscarriage of justice. The Hon'ble Apex Court in the case of ***State of Rajasthan v. Fatehkaran Mehdu***⁵ held that interference is warranted only when

⁵ (2017) 3 SCC 198



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material evidence has been ignored or inadmissible material has been relied upon to the prejudice of a party. The Act proceedings are civil in nature though housed in a Criminal Court and hence the findings turn on preponderance of probabilities. The fact finding Court's appreciation of oral and documentary evidence will not be unsettled in revision, save on the narrow grounds indicated above.

8. Points for Determination

(i) Whether the learned Magistrate's conclusions on domestic relationship, shared household, economic/physical abuse and consequent reliefs are perverse or illegal?

(ii) Whether the petition under the Act was barred by limitation?

(iii) Whether the orders on maintenance and compensation are unsustainable for want of proof of the husband's income or on any other ground?

(iv) Whether the learned Magistrate erred in treating the defence of mental illness as unsubstantiated?

(v) Whether any ground urged in revision discloses miscarriage of justice warranting interference?



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9. Heard both sides and carefully perused the materials available on record.

10. Analysis:

10.1. Domestic Relationship, Shared Household & Abuse:

(i) Both sides admit the marriage on 11.02.2010 and cohabitation in the respondents' family house. The learned Magistrate, relying on pleadings and evidence including Ex.P5 – Birth Certificate of child; Ex.P6 – 10th mark sheet/educational record; Ex.P7 – Death Certificate of the petitioner/wife's mother, concluded that the parties lived in a shared household within the meaning of Section 2(s), in a domestic relationship under Section 2(f) of the Act. These concurrent, record-supported findings are unexceptionable .

(ii) On economic abuse, the Court noted the respondents' admission of custody of the wife's seervarisai/household articles and the two-wheeler, coupled with failure to return the same despite separation since 2012. Withholding a woman's stridhan is squarely "economic abuse" under Section 3(d)(iv) of the Act as held by the Hon'ble Supreme Court in ***Krishna Bhattacharjee v. Sarathi Choudhury***⁶. The direction to return all stridhan within a time-frame is

⁶ Supra 1



legally sound.

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(iii) On physical/mental cruelty, the husband and other contesting respondents did not step into the witness box to rebut core allegations. The learned Judicial Magistrate applied the rule in ***Vidhyadhar v. Manikrao***⁷, drawing an adverse inference where a party, having special knowledge of facts (Section 106 of the Indian Evidence Act, 1872), abstains from the box. That approach is orthodox and unobjectionable. The learned Judicial Magistrate also recorded reasons to treat RW-1's testimony on mental illness and even on the wife's mother's supposed status after her death as unreliable. Those credibility findings, arrived at on demeanor and internal inconsistencies, are quintessential for the trial forum; nothing perverse is shown.

10.2. Limitation

The Magistrate rightly held the claim not barred by limitation. Retention of stridhan and continued deprivation constitute a continuing wrong/offence (Section 3 of the Act). No doubt, the wife can seek reliefs under the Act so long as the status as "aggrieved person" persists and deprivation continues. No perversity is demonstrated.

⁷ Supra 2



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10.3. Maintenance – Quantum & Proof of Income

(i) The husband disputes the income attributed to him, asserts lack of salaried employment, and pleads mental ill-health. Yet, no salary slip, engagement letter, pension record of the father, medical certificate, disability record, ITR, or bank statement was produced. Under Section 106 of the Evidence Act, 1872, particulars of one's income/employment are facts especially within that person's knowledge. Failure to disclose triggers adverse inference as held by the Hon'ble Apex Court in ***Shamima Farooqui v. Shahid Khan***⁸;

(ii) The Magistrate awarded Rs.6,000/- p.m. to the petitioner/wife and Rs.4,000/- p.m. to the child (total Rs.10,000/-), from the date of petition i.e., on 13.07.2015, adjusting interim payments. The quantification is modest, tailored to cost of living, social milieu, and the husband's capacity assessed on record, and accords with ***Rajnesh v. Neha***⁹. The existence of a parallel maintenance petition in M.C.No.173 of 2014 before the Family Court is not a bar; over-lapping reliefs are adjusted/appropriated to obviate double benefit, precisely what the learned Judicial Magistrate directed. No interference is warranted.

⁸ (2015) 5 SCC 705

⁹ Supra 4



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10.4. Mental ill-Health – Plea & Proof

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The husband's plea of mental unsoundness was considered. In Crl.M.P.No.7866 of 2016 (Section 328 of Cr.P.C.), on personal interaction in court, the learned Judicial Magistrate found him oriented and responsive; the application stood dismissed on 21.11.2017 and attained finality. In the Domestic Violence proceedings too, no medical material surfaced. The learned Judicial Magistrate's rejection of the plea is reasoned and cannot be branded perverse.

10.5. Compensation & Costs

Given the proved economic abuse, non-payment of even interim maintenance, and the litigation conduct, tendering unreliable testimony and withholding material documents, the award of Rs.5,00,000/- as compensation u/s 22 of the Protection of Women from Domestic Violence Act, 2005 and costs of Rs.10,000/-, with an additional compensation of Rs.50,000/- directed against the third respondent for false testimony, are within statutory parameters and supported by reasons. Appellate or revisional interference with a reasoned discretion is circumscribed. None of the grounds persuades this Court to hold the exercise as capricious or excessive.



(i) Illegality/Cryptic order: The impugned order spans pleadings, s, appreciation of PW/DW evidence, exhibits on both sides, and tests under the Act. It is far from cryptic.

(iii) Failure to consider income evidence: There was no credible income proof from the husband. The learned Magistrate justifiably relied on Section 106 of the Indian Evidence Act, 1872 and overall probabilities.

(iv) Medical evidence ignored/assumption of expertise: The rejection of mental-illness plea is based on lack of proof and prior judicial interaction; no “medical self-opinion” was ventured. The finding is procedural and factual, not medical theorising.

(v) Both compensation and maintenance awarded are reasoned, proportional and fall within Sections 20 and 22 of the Protection of

10 Supra 4



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Women from Domestic Violence Act, 2005. No perversity is shown.

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(vi) Adverse finding on RW-1/false evidence: Credibility determinations are trial prerogatives. The reasons recorded are internal contradiction relating to Ex.P7 and inconsistent stand on the first respondent's education against Ex.P6, which justify the view taken.

12. In the facts and circumstances of the instant case, I am of the considered opinion that the order in M.C.No.120 of 2015 is a well-reasoned application of the Act to proved facts. No jurisdictional error, perversity, or miscarriage of justice is demonstrated. Interference in revision is unwarranted.

13. In fine, Crl.R.C.(MD)No.9 of 2023 is dismissed. The order dated 11.11.2020 in M.C.No.120 of 2015 of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, is affirmed in toto. The connected miscellaneous petition stand closed.

14. The criminal revision petitioner shall:

a) Pay arrears of maintenance (Rs.6,000/- p.m. to the petitioner/wife and Rs.4,000/- p.m. to the minor child) from



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13.07.2015 till date, within eight weeks from the date of receipt of a copy of this order, giving due credit to any sums paid under interim orders;

b) Continue to pay future maintenance on or before the 5th day of every English calendar month;

c) Return all stridhan/seervarisai articles, including gold ornaments and the two-wheeler, within fifteen (15) days, as directed by the Magistrate, or deposit their present market value as determined by the Magistrate on application;

d) Comply with residence and protection orders under Section 19 of the Act, and refrain from obstruction/harassment;

e) Pay compensation and costs as awarded by the Magistrate, within the timelines fixed therein; failing which, the aggrieved is at liberty to seek execution/enforcement in accordance with law.

15. The Protection Officer (Domestic Violence) and the All Women Police Station, Thiruverumbur shall extend assistance for effective implementation of the learned Judicial Magistrate's order, as already directed.



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16. Registry is directed to communicate this order copy forthwith to the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, for monitoring compliance and for passing any incidental orders required for valuation/return of stridhan and enforcement of monetary reliefs.

17. Accordingly, this Criminal Revision Case is dismissed. No costs.

21.11.2025

NCC : Yes
Index : Yes
Internet : Yes

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To

1.The 3rd Additional District and Sessions Court,
Trichirapalli.

2.The Judicial Magistrate,
Additional Mahila Court,
Tiruchirappalli.

3.The Protection Officer (Domestic Violence),
Tiruchirappalli.

4.All Women Police Station,
Thiruverumbur.

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L.VICTORIA GOWRI, J.,

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