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C.R.P.No.3813 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 3813 of 2025 and
CMP No.20236 of 2025**

M.Bobby
W/o. Thiruvallur Shankar Venkatesan
@ T.S. Venkatesan,
D/o. S. Mahalingam, Plot No.9, \11th
Cross Street, Kurinji Nagar,
Perungudi, Chennai - 600 096.

Petitioner(s)

Vs

Thiruvallur Shankar Venkatesan @
T.S.Venkatesan
S/o. Late. T.J. Shankar, No. 13/14D,
South Lock Street, Chellapa Garden,
Kotturpuram, Chennai - 600 085.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set-aside the order in CrI.M.P.No.1 of 2025 in D.V.C.No.35 of 2019 dated 01.07.2025 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner(s): Mr. P.Ulaganathan

For Respondent(s): Ms.G.S.Thilagavathi



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ORDER

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This civil revision petition is filed challenging the order passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai allowing the application in CrI.M.P.No.1 of 2025 in DVC No.35 of 2019, filed by the respondent/husband under Section 94 of BNSS, seeking direction to the petitioner herein/wife to produce her Birth certificate, SSLC/Plus Two Mark Sheet, School Transfer Certificate, Degree Certificate before the court.

2. The petitioner herein/wife filed the above said complaint, seeking protection order, residential order, maintenance, compensation, etc., against the respondent herein/husband under the provisions of Domestic Violence Act.

3. The respondent, in his petition under Section 94 of BNSS, seeking production of original documents, as mentioned above, stated that the petitioner has preferred the said Domestic Violence Complaint by suppressing several material facts including her first marriage. It was also stated by him that the petitioner and her mother harassed him from the date of marriage and the documents mentioned in the petition were very vital to prove his case.



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4. The said application was resisted by the petitioner herein/wife on the ground that the respondent has not made out any case for production of documents and its relevancy to the case.

5. The learned Magistrate allowed the said application and directed the petitioner herein/wife to produce the documents mainly on the ground that the existence of documents in her custody had not been denied by her.

6. The petitioner herein/wife filed the above said Domestic Violence Complaint against the respondent/husband, claiming above mentioned reliefs. In the application filed by the respondent, seeking production of documents, he has not stated anything as to how the documents sought to be produced are relevant to prove his case. The respondent sought for production of Birth Certificate, SSLC/Plus Two Mark sheets, School Transfer Certificate and degree certificate of the petitioner. It is seen from the copy of the complaint filed in the typed set of papers that the petitioner/wife clearly admitted that she was a M.Sc. Mathematic graduate. Therefore, her qualification was mentioned in the complaint itself. The respondent/husband in the petition seeking production of documents, failed



to elaborate the purpose for which the documents are required and to explain how they are relevant to the issues involved in the main complaint. Section 94 of BNSS reads as follows.

94. Summons to produce document or other thing.

(1) Whenever any court or any officer in charge of a police station considers that the production of any documents, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such court or officer, such court may issue a summons or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

3 Nothing in this section shall be deemed-

(a) to affect sections 129 and 130 of the Bharathiya Sakshya Adhiniyam, 2023 or the Bankers' Books Evidence Act, 1891 (13 of 1891) or

(b) to apply to a letter, postcard, or other document or any parcel of thing in the custody of the postal authority.



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7. A perusal of the above said provision would make it clear that a direction can be issued by the court or any officer incharge of the police station, only if it is considered that the production of documents are necessary and desirable for the purpose of enquiry or investigation as the case may be. Therefore, it is incumbent on the part of the respondent/ husband, who seeks production of documents, to establish the relevancy and necessity of the documents to the issues involved in the complaint. In the absence of any specific plea in the petition filed by the respondent, establishing the relevancy of documents to the matters in controversy in the main complaint, the learned Magistrate was not justified in directing the petitioner/wife to produce the documents. Further, the respondent/husband can always issue a notice to the petitioner/wife to produce the documents and if the same is not complied with by the petitioner, the respondent can argue before the court, requesting it to draw adverse inference against the petitioner for her failure to produce the documents. In such circumstances, the learned Magistrate was not justified in ordering production of the documents, without recording any findings as to their usefulness or necessity for deciding the main controversy involved in the Domestic Violence Complaint. Therefore, the impugned order cannot be sustained in



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law and is liable to be set aside.

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8. Accordingly, this civil revision petition is allowed and the impugned order passed by the learned Magistrate is set aside and consequently, the petition in CrI.M.P.No.1 of 2025 in DVC No.35 of 2019 is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

02.01.2026

Internet: Yes

Index : Yes / No

Neutral Citation: Yes / No

MST

To

The IX Metropolitan Magistrate,
Saidapet, Chennai.



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S.SOUNTHAR, J.

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