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IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 23.11.2026

PRONOUNCING ORDERS ON : ……11.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP Nos. 7137and 6796 of 2026

CNR:{HCMA012651772026}

Case QR

AND

CMP NOs. 29244, 29246, 29247 and 30814 OF 2026

CRP No.7137 of 2026

Mavillapallii Lavanya
D/o Late M.v.Narasimhachari,
Old No.16,New No. 32,
Anugraha,
Murrays Gate Road,
Alwarpet,Chennai-600 018

..Petitioner(s)

Vs

Mavillapalli Siva Aditya,
S/o M.S.Nataraju,
Old No. 75/2,New No. 34,
II Maid Road,Gandhi Nagar,
Adyar, Chennai-600 020.Chennai

..Respondent(s)

CRP No. 6796 of 2026

Case QR

CNR:{HCMA012567472026}

Mavillapalli Siva Aditya
S/o M S Nataraju
75/2 New No.34
2nd Main Road,
Gandhi Nagar,
Adyar, Chennai 600 020

..Appellant(s)

Vs

Mavilapalli Lavanya

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W/o Mavillapalli siva Aditya
16/32, Anugraha,
Murrays Gate Road,
Alwarpet, Chennai 600 018

..Respondent(s)

CRP No. 7137 of 2026

Civil Revision petition filed under Article 227 of the Constitution of India to strike off I.A.No.34 of 2026 in HMOP.No.3529 of 2021 on the file of II Additional Family Court, Chennai .

CRP No. 6796 of 2026

Civil Revision petition filed under Article 227 of the Constitution of India to set aside the order dated 11.12.2025 in IA.No.16 of 2024 in HMOP.No.3529 of 2021 on the file of the II Additional Family Court, Chennai and allow IA.No.16 of 2024 as prayed for therein.

For Petitioner(s) : Mr.V.Prakash
Senior Advocate for
Mr. V.Adhivarahan
G.Shanthi Meenakshi
K.Sumathi for petitioner in CRP No.7137 of 2026

Mrs.Chitra Sampath
Senior Advocate for
Mr. Arul Raj
for petitioner in CRP No.6796 of 2026

For Respondent(s): Mrs.Chitra Sampath
Senior Advocate for
Mr. Arul Raj
for Respondent in CRP No.7137 of 2026

Mr.V.Prakash
Senior Advocate for
Mr. V.Adhivarahan
G.Shanthi Meenakshi
K.Sumathi for respondent in CRP No.7137 of 2026

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Common Order

CRP No.6796 of 2026 has been filed by the husband challenging the fair and decretal order passed in IA.No.16 of 2024 in HMOP.No.3529 of 2021 on the file of II Additional Family Court, Chennai, wherein the application filed by the petitioner/ husband under Order XXXIX Rules 1 and 2 of CPC to grant an interim injunction restraining the respondent /wife from discussing, referring to or using any of the allegations against the petitioner as a paedophile / child molester and facts touching upon the criminal proceedings, came to be dismissed by the Court below.

2. CRP No.7137 of 2026 has been filed by the wife seeking to strike off IA No.34 of 2026 filed by the respondent / husband to strike off Paragraph 5 to 18 in the affidavit filed in support of IA No.33 of 2026.

3. Heard both sides and carefully perused the materials available on record as well as the order passed by the Court below.

4. The petitioner in CRP No.7137 of 2026 is the wife, who filed HMOP No.3529 of 2021 seeking for dissolution of marriage on the ground of cruelty. The respondent /husband filed IA No.16 of 2024 seeking for an interim injunction restraining the petitioner /wife from referring to or making

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allegations against the respondent /husband that he is a paedophile / child molester and not to refer to anything connected with the criminal proceedings which has already come to an end.

5. The II Additional Family Court, Chennai, by an order dated 11.12.2025, dismissed the said application.

6. The petitioner / wife also filed IA No.33 of 2026 for making additional documents. Pursuant to the same, the respondent / husband filed IA No.34 of 2026 to expunge / delete paragraph Nos.5 to 18 of the affidavit filed in support of the application which has been put to challenge by the wife by filing CRP No.7137 of 2026.

7. The sum and substance of the issues involved in these Civil Revision Petitions is regarding the ground raised by the wife alleging that the respondent husband had indulged in the commission of sexual assault said to have been committed against her niece, who was aged about 8 years and for which the respondent / husband underwent a criminal trial, which ended in his favour and was confirmed till the Supreme Court and therefore, the respondent / husband has raised a ground that the petitioner / wife cannot once again resurrect the very same allegations against the husband and brand him as a paedophile / child molester and subject him to undergo one more trial before the

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Family Court. Apart from that, no specific grounds have been raised in the petition and the said incident *perse* will not have any bearing while deciding the petition on merits. Therefore, the respondent / husband has sought for the relief of injunction against the petitioner /wife.

8. The petitioner /wife has filed IA No.33 of 2026 seeking permission to file additional documents. By virtue of the additional documents sought to be brought in by the petitioner / wife, the petitioner / wife is attempting to establish the conduct of the respondent / husband, which is alleged to have caused mental cruelty to the wife. In the affidavit filed in support of the said application, various averments were made touching upon the conduct of the respondent/husband qua the alleged sexual assault and the various communications that is exchanged between the parties after the incident in which the respondent / husband is said to have expressed regret for his conduct.

9. Two important issues arise for consideration in these Civil Revision Petitions and they are:-

(a) Whether the criminal proceedings underwent by the respondent / husband for offence under POCSO Act in which he was acquitted, can be raised as a ground of cruelty by the wife when such conduct has nothing to do with the relationship of the petitioner /wife and the respondent/ husband? and

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(b) Whether the Criminal proceedings which had already reached finality and ended in favour of the husband can be revived once again in the proceedings pending before the Family Court?

10. Insofar as the first issue is concerned, the petitioner / wife has filed HMOP No.3529 of 2021 seeking for dissolution of marriage on the ground of cruelty. In the said petition, the petitioner / wife has narrated about various incidents that took place to substantiate the physical and mental cruelty undergone by her. One of the allegations that has been made in the petition touched upon the alleged sexual conduct exhibited by the respondent / husband to the child. By way of filing IA No.33 of 2026, the petitioner /wife is attempting to establish the fact that the respondent / husband was questioned regarding his conduct and that he expressed regret for what he had done.

11. When it comes to the issue of mental cruelty, every conduct exhibited by one party which puts the other party to mental strain to the extent of causing mental cruelty, can be brought in as a ground. What will constitute mental cruelty will depend upon the facts and circumstances of each case. In the case in hand, there is a serious allegation made against the respondent / husband that he committed sexual assault against a child who happens to be the niece of the petitioner / wife. Without going into the truth or otherwise of the said allegation, if a husband exhibits such conduct towards a child, it certainly

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results in mental cruelty to the wife. It exhibits a deprived mind of a husband and it breaks the trust of a wife with the husband and any such incident will certainly cause an irreparable damage to the matrimonial relationship. Considering the nature of relationship between the wife and the child, who is said to have undergone the trauma, it will also cause an irreversible break in the relationship within the family of the petitioner/wife. Therefore, without any doubt, such conduct exhibited by the husband will amount to mental cruelty for the wife and it can certainly be taken into consideration, when the Court decides the petition for dissolution of marriage on the ground of mental cruelty.

12. The additional documents that are sought to be relied upon by the petitioner / wife also speaks about the communication that took place between the husband and the wife in this regard and therefore, the allegation made by the petitioner /wife is not merely an *ipsi dixit* as she is taking steps to substantiate the same through documents, which are nothing but email communications and WhatsApp messages exchanged between the parties.

13. In the light of the above discussion, the first issue is answered accordingly.

14. Insofar as the second issue is concerned, there is no doubt that the criminal proceedings against the husband ended in acquittal and that he

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succeeded up to the Apex Court. In view of the same, it is contended that the same issue cannot be raked up once again by the petitioner /wife.

15. It is now well settled that the judgement of a Civil Court is not binding on a Criminal Court vice versa. Useful reference can be made to the judgement of the Apex Court in ***[Syed Askari Hadi Ali Augustine Imam and another Vs. State (Delhi Administration) and another]*** reported in ***2009 5 SCC 528***. Reference can also be made to the judgement of the Apex Court in ***[Kisan Singh Vs. Gurpal Singh and others]*** reported in ***2010 8 SCC 775***. The standard of proof in a criminal case and a civil case is entirely different. In the proceedings before the Family Court, the test to be applied is preponderance of probabilities whereas proceedings before the Criminal Court, it is adjudicated on the touchstone of proof beyond reasonable doubt. In view of the same, an acquittal in criminal proceedings does not automatically displace civil liability and the Court is expected to independently apply its mind on the materials placed before it.

16. In order to substantiate the allegations against the husband, the petitioner /wife has filed IA No.33 of 2026 seeking permission for marking additional documents. These documents are the email correspondence and the WhatsApp messages exchanged between the parties. In the affidavit filed in support of IA No.33 of 2026, necessary averments have been made to justify

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filing of the application. Since the Family Court is expected to independently apply its mind on the additional documents that are sought to be relied upon by the petitioner /wife, there is no question of striking off the pleadings contained in the affidavit filed in support of IA No.33 of 2026.

17. In the light of the above discussion, the acquittal of the respondent / husband in the Criminal proceedings will not have any bearing on the adjudication of the matrimonial dispute, since the Family Court is expected to independently apply its mind and render a finding without being influenced by the judgement passed in the criminal proceedings. The second issue is answered accordingly.

18. The Court below while dismissing IA No.16 of 2024 filed by the respondent / husband has rendered a finding that the respondent/ husband had already filed an application in IA No.4 of 2022 seeking for rejection of the HMOP on the very same ground and that the said application was dismissed. Therefore, the respondent / husband was attempting to once again raise the same issue by filing the present application. The Family Court also rendered a finding that the acquittal in the criminal proceedings will not affect the cause of action raised by the petitioner /wife. The findings rendered by the Court below does not suffer from any perversity warranting the interference of this Court.

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19. In the result, the order passed in IA No.16 of 2024 dated 11.12.2025 is confirmed. Accordingly, CRP No.6796 of 2026 is dismissed.

20. The averments made in affidavit filed in support of the application in IA No.33 of 2026 are essential to enable the petitioner /wife to justify the application filed for marking additional documents. Therefore, there is no question of striking off those averments. In view of the same, the application filed by the respondent husband in IA No.34 of 2026 is wholly unsustainable and the same is liable to be struck off by this Court. Accordingly, CRP No.7137 of 2026 is allowed.

21. The Court below is directed to proceed further to deal with IA No.33 of 2026 filed by the petitioner/wife on its own merits and in accordance with law. It is made clear that any observations made by this Court while disposing of these Civil Revision Petitions shall not have any bearing when the Court below proceeds to dispose of the case on merits. No costs. Consequently, the connected miscellaneous petitions are closed.

…..-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

RKA

To
The II Additional Family Court, Chennai

CRP Nos. 7137and 6796 of 2026

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