



Crl.OP(MD)No.284 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.284 of 2026

and

Crl.M.P.(MD)No.275 of 2026

1. China arumugam

2. Dharmambal

3. Meyyammai

4. Akila

5. Venkat

... Petitioners

Vs.

1. S.P.Rasiya Fathima

2. A.R.Mohammed Mujahith

.... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the complaint in DVC No. 169/2025 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Madurai and quash the same.



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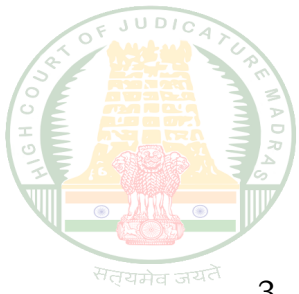
For Petitioners : Mr.B.Saravanan,
for Mr.RM.Arun Swaminathan
For R-1 : Mr.G.Prabhu Rajadurai,
for Mr.I.Robert Chandrakumar
For R-2 : No appearance

ORDER

Prologue:

The Protection of Women from Domestic Violence Act, 2005, is a beneficent legislation enacted to protect women from violence within the precincts of a domestic relationship. Its purpose is noble; its reach is wide; and its spirit is remedial. But no beneficent statute can be permitted to be converted into a weapon of oppression, property coercion or family vengeance.

2. A legislation conceived as a shield for genuine victims of domestic violence cannot be permitted to be wielded as a sword to resurrect stale property claims, to pressurise aged parents, or to drag distant relatives into avoidable litigation without the basic statutory foundation of domestic relationship, shared household or proximate domestic violence.



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3. The present case is one such instance where the Court is called upon to decide whether the machinery of the DV Act has been invoked for protection against domestic violence or whether it has been employed as a collateral pressure device in a property-centred family dispute.

4. The first respondent is the wife of the second respondent. The second respondent is the son of petitioners 1 and 2 and the brother of the third petitioner. Petitioners 4 and 5 are the daughter and son-in-law of the third petitioner. According to the first respondent, she married the second respondent on 14.11.1999 in accordance with Hindu rites and, after marriage, resided in the matrimonial home along with the petitioners.

5. It is further alleged that her name was included in the ration card of the petitioners' family and that the respondents continued to have business association with the petitioners till the year 2018. The first respondent states that she is a cancer survivor and that due to financial hardship, she requested the petitioners to permit her to reside in the alleged matrimonial home. Since the said request was



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refused, she filed D.V.C.No.169 of 2025 seeking reliefs under Sections 18, 19 and 22 of the DV Act.

Case of the Petitioners:

6. The petitioners contend that the second respondent voluntarily converted from Hinduism to Islam in or about the year 1998 and executed an unregistered release deed dated 18.02.1998, severing his family ties with the Hindu joint family. It is further submitted that the respondents themselves converted to Islam and have admittedly been living separately for nearly twenty years.

7. According to the petitioners, there has been no cohabitation, domestic relationship, shared household, family association or interaction between the parties for more than two decades. The petitioners submit that the first respondent is attempting to enter the ancestral Hindu family house only after disputes arose with regard to money and property.

8. It is further submitted that the second respondent attempted to conduct Islamic religious ceremonies in the ancestral



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Hindu house, resulting in serious objection and police intervention.

The petitioners contend that only after refusal of such property-related demands, the impugned D.V.C. proceedings were instituted as a counterblast and as a pressure tactic.

Grounds for quash:

9. The petitioners seek quashment on the following grounds:

(i) the first respondent has not lived in the alleged shared household for nearly twenty years;

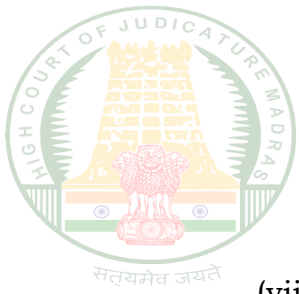
(ii) there is no subsisting or proximate domestic relationship;

(iii) the complaint is founded not upon domestic violence but upon a property dispute;

(iv) the relief under Section 19 of the DV Act is misused to assert residence in a property in which the respondents have no subsisting right;

(v) petitioners 4 and 5 have no domestic relationship with the first respondent;

(vi) the allegations are vague, omnibus and bereft of particulars;



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(vii) the proceedings are a counterblast to earlier disputes and police proceedings;

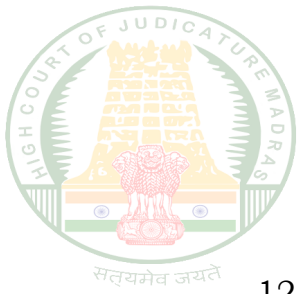
(viii) continuation of the proceedings would amount to abuse of process of Court.

Submissions on either side:

10. The learned counsel for the petitioners submitted that the DV Act cannot be invoked in the absence of the basic statutory ingredients under Sections 2(f), 2(s), 3, 17, 18 and 19. It was submitted that the expression “shared household” cannot include a house allegedly occupied in the remote past, especially when the first respondent admittedly lived separately for nearly twenty years.

11. The learned counsel placed reliance on **Satish Chander Ahuja v. Sneha Ahuja**¹, particularly the principle that the shared household must be the house where the aggrieved person was living at the time of filing the application or in the recent past, from which she had been excluded or was temporarily absent.

¹ (2021) 1 SCC 414



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12. The learned counsel further submitted that the complaint does not disclose any act of domestic violence as defined under Section 3 of the DV Act. According to the petitioners, the alleged denial of entry into the ancestral house after nearly two decades of separate residence cannot be dressed up as domestic violence. It was finally submitted that a purely civil dispute relating to property cannot be converted into proceedings under the DV Act.

13. The learned counsel for the first respondent submitted that the first respondent had lived in the matrimonial home after marriage and that the expression “at any stage has lived” under Section 2(s) of the DV Act must be given a liberal interpretation. Reliance was placed on ***Prabha Tyagi v. Kamlesh Devi***², to contend that it is not mandatory that the aggrieved woman must be residing in the shared household at the time of filing the application.

14. It was further submitted that the DV Act is a beneficial statute and that the right of residence under Section 17 cannot be defeated by technical objections relating to title, conversion or

² (2022) 8 SCC 90



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personal law. The first respondent, therefore, prayed for dismissal of the quash petition.

15. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

16. The point that arises for consideration is whether the proceedings in D.V.C.No.169 of 2025 on the file of the learned Judicial Magistrate-cum-Additional Mahila Court, Madurai, constitute a genuine invocation of the Protection of Women from Domestic Violence Act, 2005, or whether the same amount to misuse of the said Act warranting interference under Section 528 BNSS?

Analysis:

17. Section 2(f) defines domestic relationship as a relationship between two persons who live or have, at any point of time, lived together in a shared household. The expression “have lived at any point of time” cannot be read in isolation. It must be understood in the context of a living domestic relationship and not as an indefinite

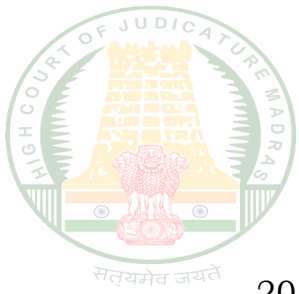


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licence to revive a remote and stale household connection after decades.

18. If a woman who admittedly left the household decades ago and has been living independently can invoke the DV Act merely on the basis of a remote past residence, the statutory expression “domestic relationship” would be stretched beyond its legitimate purpose.

19. The DV Act protects women from violence arising out of domestic relationships. It is not intended to create perpetual litigation rights against every relative of the husband merely because at some distant point of time the parties had a familial connection. In the present case, the respondents have admittedly been residing separately for nearly twenty years. The complaint does not disclose any continuous domestic relationship between the first respondent and the petitioners. Therefore, the foundational requirement under Section 2(f) is not *prima facie* satisfied.

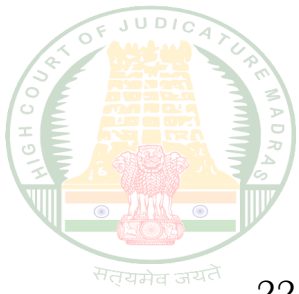


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20. Section 2(s) defines “shared household” as a household where the aggrieved person lives or at any stage has lived in a domestic relationship. The concept of shared household is not a device to claim entry into any property belonging to the husband’s parents or relatives. The Hon’ble Supreme Court in **Satish Chander Ahuja v. Sneha Ahuja**³ clarified that the shared household must have a real and proximate connection with the residence of the aggrieved woman.

21. The words “at any stage has lived” cannot be interpreted to mean that even after twenty years of separate residence, a woman may claim a right to enter a house where she neither presently resides nor was recently excluded from. In the present case, the first respondent has her own separate residence. The complaint itself proceeds on the basis that she approached the petitioners for permission to reside in the house only after financial difficulty arose. Such a request, and its refusal, cannot automatically convert the petitioners’ house into a shared household. The right under Section 17 is a right to reside in a shared household; it is not a right to choose any property of the husband’s relatives as a residence.

³ (2021) 1 SCC 414



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22. Section 3 defines domestic violence to include physical abuse, sexual abuse, verbal and emotional abuse and economic abuse. The complaint must disclose acts which fall within the statutory definition of domestic violence. Mere refusal to concede a property-related demand or refusal to permit entry into a house after decades of separate residence cannot, by itself, amount to domestic violence.

23. The first respondent does not allege any proximate physical violence, verbal abuse, economic deprivation from a domestic household, or dispossession from a house in which she was living. The core grievance is denial of residence in the ancestral house and financial/property hardship. That grievance may, if otherwise maintainable, fall within civil remedies. It cannot be automatically transformed into domestic violence under Section 3. The absence of specific dates, overt acts and proximate domestic incidents makes the complaint legally fragile.

24. Section 17 confers a right upon every woman in a domestic relationship to reside in the shared household. This right

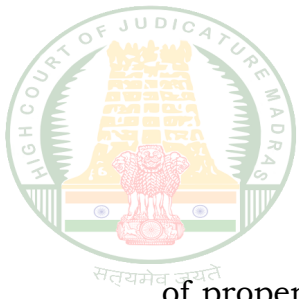


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presupposes the existence of a domestic relationship and a shared household. Where both these elements are absent or stale beyond recognition, Section 17 cannot be invoked as an independent source of property occupation.

25. The DV Act does not confer title. It does not create succession rights. It does not revive extinguished claims over ancestral property. It does not permit a litigant to bypass civil law under the guise of residence protection. In the present case, the claim under Section 17 is not founded upon recent dispossession from a shared household, but upon a demand to be accommodated in a property from which the respondents have admittedly lived away for nearly two decades. Such a claim cannot be permitted to travel under the protective umbrella of the DV Act.

26. Section 18 enables the Magistrate to pass protection orders against acts of domestic violence. The complaint must disclose *prima facie* acts of domestic violence attributable to the respondents in the DVC proceedings. In the present case, the allegations against the petitioners are general, omnibus and substantially related to refusal



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of property/residence. No specific act of domestic violence is pleaded against petitioners 4 and 5. The continuation of proceedings against such relatives without specific allegations would amount to legal harassment.

27. Section 19 empowers the Magistrate to pass residence orders. However, such power is exercisable only in relation to a shared household. The jurisdiction under Section 19 cannot be invoked to decide disputed property claims or to force aged parents-in-law to surrender possession of their house in favour of a daughter-in-law who has lived separately for decades.

28. The DV Act cannot be allowed to become a substitute for a civil suit for partition, declaration, injunction or recovery of property. The relief sought under Section 19, in the facts of this case, is not truly protective; it is coercive.

29. Section 22 permits compensation for injuries including mental torture and emotional distress caused by domestic violence. When the complaint itself fails to disclose proximate domestic



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violence, the consequential claim for compensation also cannot stand independently. Compensation under Section 22 cannot be used as a bargaining instrument in a property dispute.

30. This Court is not unmindful that genuine victims of domestic violence must receive the fullest protection of law. However, the Court is equally duty-bound to ensure that the protective jurisdiction of the DV Act is not abused.

31. The misuse in the present case is evident from the following circumstances:

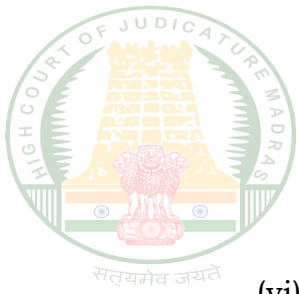
(i) the respondents have admittedly been residing separately for nearly twenty years;

(ii) the first respondent approached the petitioners for residence only after financial difficulties and property disputes arose;

(iii) the complaint is substantially property-oriented and not violence-oriented;

(iv) the allegations are vague and omnibus;

(v) petitioners 4 and 5 are dragged into the proceedings without any domestic relationship;



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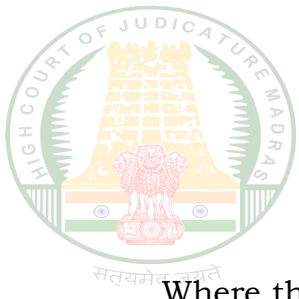
(vi) the proceedings were initiated after disputes regarding property, religious ceremony and police complaint;

(vii) there is no pleading of recent dispossession from a shared household.

32. Beneficial legislation commands liberal interpretation, but liberal interpretation is not limitless interpretation. A welfare statute cannot be used to create a legal fiction contrary to admitted facts. The DV Act was enacted to protect women from violence within the domestic sphere. It was not enacted to compel unwilling relatives to yield property or residence after decades of separate living.

33. If such proceedings are permitted to continue, the process itself would become the punishment. A complaint which lacks the foundational ingredients of domestic relationship, shared household and proximate domestic violence cannot be allowed to survive merely because it is filed under a beneficial statute.

34. Section 528 BNSS preserves the inherent power of this Court to prevent abuse of process and to secure the ends of justice.



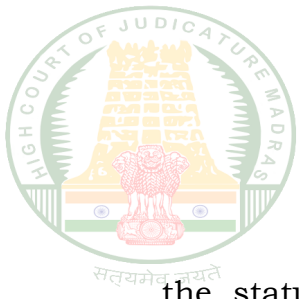
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Where the allegations, even if taken at face value, do not disclose the statutory ingredients necessary for maintaining proceedings under the DV Act, this Court would be justified in exercising its inherent jurisdiction.

35. This is not a case where disputed evidence alone is sought to be weighed. This is a case where the admitted long separation, absence of recent shared household, property-centred grievance and omnibus allegations demonstrate that the continuation of proceedings would be oppressive. The criminal process or quasi-criminal protective process cannot be used as a lever in family property disputes. Therefore, this Court finds that D.V.C.No.169 of 2025 is a clear abuse of process and deserves to be quashed.

Epilogue:

36. The sanctity of the Protection of Women from Domestic Violence Act lies in its honest invocation. Every misuse of such a statute weakens the cause of genuine victims. Courts must protect women from domestic violence with sensitivity, but they must also protect innocent relatives from being dragged into proceedings where



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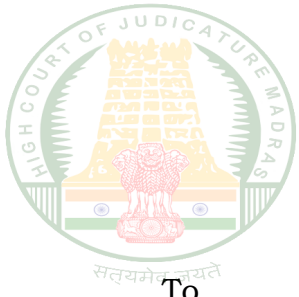
the statute is invoked not for safety, shelter or dignity, but for collateral pressure.

37. Law cannot permit sentiment to override statute. Nor can it permit a social welfare enactment to be transformed into an instrument of property recovery. In the considered view of this Court, the impugned proceedings are not a legitimate pursuit of protection under the DV Act, but an attempt to convert a stale domestic connection and a civil property dispute into a coercive proceeding.

38. In the result, this Criminal Original Petition is **allowed**. The proceedings in D.V.C.No.169 of 2025 on the file of the learned Judicial Magistrate-cum-Additional Mahila Court, Madurai, are hereby quashed insofar as the petitioners herein are concerned. Consequently, connected miscellaneous petition is closed.

01.06.2026

NCC : Yes / No
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To
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1. The Judicial Magistrate,
Judicial Magistrate-cum-Additional Mahila Court,
Madurai.



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L.VICTORIA GOWRI, J.

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