



Crl.O.P.(MD)No.17676 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.17676 of 2025
& Crl.M.P.(MD)No.14424 of 2025

1.Raja @ SMV Indiran
2.Padmavathi
3.Manivannan

... Petitioners

Vs.

R.V.Komala Sree

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records related to the proceedings in DV No.13 of 2022 on the file of the Judicial Magistrate (Mahila) Court, Theni and quash the same.

For Petitioner : Mr.S.Samuel James Devasagayam

For Respondents : No appearance

ORDER

This criminal original petition has been filed seeking to quash the proceedings in DV No.13 of 2022 on the file the learned Judicial Magistrate (Mahila) Court, Theni.



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2. The first petitioner is the husband of the respondent, and the second and third petitioners are the father-in-law and mother-in-law of the respondent.

3. The case of the respondent/wife before the Trial Court is that the marriage between the first petitioner and the respondent was solemnized on 11.11.2018 in accordance with Hindu rites and ceremonies. After the marriage, the respondent commenced her matrimonial life in the shared matrimonial home belonging to the petitioners at Chengalpattu. At the time of marriage, 40 sovereigns of gold jewellery and household articles worth Rs.1,00,000/-, including silver articles, were given as seethana to the first petitioner and the respondent. In addition, a sum of Rs.1,00,000/- in cash was also given by the respondent's family to the petitioners.

4. Both the first petitioner and the respondent had approached Apollo Hospital for medical assistance, wherein it was categorically recorded that the respondent wife was medically fit and healthy. However, the first petitioner husband was advised counseling and medication by the treating doctor. Pursuant to the said medical advice, the respondent wife proceeded to her maternal home until the completion of the treatment of the first petitioner, and



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accordingly left on 06.09.2019. Despite the lapse of nearly one year thereafter, the first petitioner failed to take any steps whatsoever to resume cohabitation or rejoin the respondent wife.

5. Hence, alleging that the first petitioner is suffering from schizophrenia, the respondent wife filed a petition for divorce in H.M.O.P. No. 2 of 2021 on the file of the Family Court, Theni, which was subsequently transferred and renumbered as O.P. No. 275 of 2022, and the same is presently pending adjudication. In the meantime, the respondent wife also filed a petition under the Protection of Women from Domestic Violence Act, 2005, (hereinafter referred to as 'Act' for brevity) seeking maintenance of a sum of Rs.20,000/- per month from the first petitioner, along with various other reliefs under Sections 18, 19, 20, and 22 of the Act. Seeking quashment of the same, this petition has been filed.

6. The learned counsel for the petitioners submitted that the petition filed under the Act before the trial Court is false and vexatious, as it does not disclose any specific overt acts constituting domestic violence against any of the petitioners herein. It was further contended that the said domestic violence complaint has been filed only with an ulterior motive to add strength to the



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pending divorce proceedings in H.M.O.P. No. 275 of 2022. On the aforesaid grounds, the learned counsel sought for quashing of the said proceedings.

7. Notice in the present case has already been issued to the respondent wife and has been duly served on her. However, the respondent wife has neither appeared in person nor engaged any counsel to represent her before this Court.

8. A careful reading of the petition filed in the domestic violence case would reveal that the respondent wife has sought a specific relief of maintenance to the tune of Rs.20,000/- per month. However, insofar as the reliefs stated to have been sought under Sections 18, 19, 20, and 22 of the Act are concerned, the petition does not disclose the nature or particulars of any relief as contemplated under Sections 18, 19, and 22 of the Act. A perusal of the averments in the petition would make it clear that the respondent wife has, in substance, sought only monetary relief under Section 20 of the Protection of Women from Domestic Violence Act, 2005, and no specific or independent relief has been claimed under Sections 18, 19, or 22 of the Act.

9. Section 18 of the Act pertains to protection orders. In the present case, the respondent wife is admittedly residing at her maternal home and, therefore,



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the question of granting any protection order does not arise. With regard to

Section 19 of the Act, which deals with residence orders, it is evident that the respondent wife has not sought any such relief, particularly in view of the pending divorce proceedings in H.M.O.P. No. 275 of 2022 before the Family Court, Theni. As far as Section 22 of the Act is concerned, the same relates to compensation orders, however, the respondent wife has not made any specific pleadings seeking compensation under the said provision.

10. However, the respondent wife has sought a monthly maintenance of Rs.20,000/-. In view of the same, the domestic violence petition filed by the respondent, insofar as it relates to the reliefs claimed under Sections 18, 19, and 22 of the Act is hereby quashed. The domestic violence petition, insofar as it relates to the relief sought under Section 20 of the Act, shall stand. The learned Judicial Magistrate, Mahila Court, Theni, is directed to proceed with the case only with respect to the relief of maintenance under Section 20 of the Act, in accordance with law. With the above direction, this Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petition is closed.

06.01.2026

NCC : Yes / No
Index : Yes / No



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L.VICTORIA GOWRI, J.

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TO:-

1. Judicial Magistrate (Mahila) Court, Theni.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.17676 of 2025

Dated
06.01.2026