

IN THE COURT OF JUDICIAL MAGISTRATE NO.1, TAMBARAM

PRESENT: G. SENTHAMILSELVAN. B.A. M.L.,

JUDICIAL MAGISTRATE No.1, TAMBARAM

Monday, the 27th day of April, 2026

Crl.M.P.No.1028/2026

in

D.V.C.SR.No.2442/2026

Mrs. K.Sathya

W/o. Mr. Martin Samuvel

... Petitioner

Vs.

Mr. Sam Prakaash Raja and two others

... Respondent

ORDER

This petition is presented under the provisions of the Protection of Women from Domestic Violence Act, 2005, seeking various reliefs against the respondents.

At the stage of scrutiny, prior to numbering, this Court has carefully examined the averments made in the petition to ascertain whether the petition satisfies the basic requirements for maintainability under the Act.

At the outset, it is necessary to examine whether the essential ingredients required under the Protection of Women from Domestic Violence Act, 2005 are made out.

To invoke the provisions of the Act, the petitioner must establish existence of a “domestic relationship” as defined under Section 2(f), and that the parties have lived together in a “shared household” as defined under Section 2(s).

These two ingredients are sine qua non for maintaining a petition under the Act.

However, on a careful reading of the petition averments, it is evident that the petitioner has admitted that Respondents 1 and 2 are residing separately, and they are not living together in a shared household with the petitioner.

When such is the admitted factual position, the very foundation of a “domestic relationship” within the meaning of Section 2(f) is absent.

Further, there is no material to show that the petitioner and the respondents are presently living, or have lived together at any point of time, in a shared household so as to attract Section 2(s) of the Act.

It is trite law that mere relationship by blood or marriage is not sufficient unless it is accompanied by living together in a shared household.

The allegations made in the petition, even if taken at face value, primarily relate to Property disputes, Personal grievances, and Incidents allegedly occurring outside a shared household.

Such allegations, in the absence of a domestic relationship as defined under the Act, do not fall within the ambit of “domestic violence” as contemplated under the statute.

Entertaining such a petition in the absence of the foundational requirements would amount to misuse of the provisions of the Act and an **abuse of process of Court.**

The Domestic Violence Act is a beneficial legislation, but its provisions cannot be invoked in cases where the statutory requirements are clearly not satisfied.

In view of the above discussion, this Court finds that the petitioner has failed to establish the existence of a domestic relationship;

There is no shared household between the petitioner and the respondents;

The allegations do not satisfy the definition of “domestic violence” under the Act;

Hence, the **petition is not maintainable** under the Protection of Women from Domestic Violence Act, 2005.

Accordingly, this petition is rejected at the stage of scrutiny, before numbering, as not maintainable under the Protection of Women from Domestic Violence Act, 2005.

The petitioner is at liberty to work out her remedies, if any, before the appropriate forum in accordance with law

Typed to my dictation, corrected and pronounced by me in the open Court on this 27th day of April, 2026.

Judicial Magistrate No.1
Tambaram