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CRP No.193 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.193 of 2024 and
CMP No.896 of 2024**

1. Balaji
2. B.Siva Kumar

... Petitioners

Vs.

1. R.Ranjitha
2. B.Sudharsan
3. P.Sankari
4. Prasanlakshmi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the proceedings in D.V.C.No.82 of 2023 on the file of the learned Judicial Magistrate, Ambattur, Chennai.

For Petitioners: Mr.V.Lakshminarayanan

For Respondents: Served – No appearance

ORDER

This civil revision petition is filed seeking to quash the complaint in DVC No.82 of 2023 preferred by the 1st respondent as against the petitioners under the provisions of Domestic Violation Act.



2. The first petitioner is father in-law and 2nd petitioner is brother in-law of the first respondent and she filed the above said complaint against the petitioners and respondents 2 to 4.

3. Learned counsel for the petitioners submitted that the allegation in the complaint preferred by the 1st respondent are not sufficient to invoke the provisions of Domestic Violence Act. He further stated that the petitioners have never lived in a shared household with the 1st respondent and therefore, the complaint is not at all maintainable.

4. In view of the Law settled by this Court in ***Arul Daniel and Others Versus Suganya*** reported in ***(2022) SCC Online Mad 5435***, if the petitioners are aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for them to move the very same Magistrate raising preliminary objections like absence of shared household, domestic violence, etc. The relevant observation of Full Bench reads as follows:-

87(vii). As there is no issuance of process as contemplated under Section 204, Cr.P.C. in a proceeding under the D.V. Act, the principle laid down in Adalat Prasad v. Rooplal Jindal ((2004) 7 SCC 338) that a process, under Section 204, Cr.P.C, once issued cannot be reviewed or recalled, will not apply to a proceeding



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under the D.V. Act. Consequently, it would be open to an aggrieved respondent (s) to approach the Magistrate and raise the issue of maintainability and other preliminary issues. Issues like the existence of a shared household/domestic relationship etc., which form the jurisdictional basis for entertaining an application under Section 12, can be determined as a preliminary issue, in appropriate cases. Any person aggrieved by such an order may also take recourse to an appeal under Section 29 of the D.V. Act for effective redress (See V.K. Vijayalekshmi Amma v. Bindu V., (2010) 87 AIC 367). This would stem the deluge of petitions challenging the maintainability of an application under Section 12 of the D.V. Act, at the threshold before this Court under Article 227 of the Constitution.

Hence, this court is not inclined to exercise its Supervisory Power available under Article 227 of Constitution of India to strike off the complaint.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed. The petitioners are at liberty to move the concerned Magistrate for getting appropriate remedy as per law laid down in **Arul Daniel case**.



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6 . Taking into consideration the proceedings initiated before learned Magistrate is predominantly civil in nature, the personal appearance of the petitioners during enquiry before Magistrate is dispensed with, unless their personal appearance is absolutely necessary.

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To

1. ;The Judicial Magistrate,
Ambattur, Chennai



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S.SOUNTHAR, J.

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