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CRP No.301 of 2



DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 301 of 2025

CMP Nos.1952 and 1954 of 2025

1 . Saraswathy

2 . Krishnamoorthy

.. Petitioner(s)

Vs.

1 . Santhosh Kumar Krishnamoorthy

2 . Saranya

3. S.Hemamalini

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records in DVC No.65 of 2024 on the file of Additional Mahila Court (Magisterial Level), Alandur and quash the same as against the petitioners herein/ respondents 2 and 3.

For Petitioner(s): Mrs.K.Sumathi

For Respondent(s) Mr.J.Lordwin Bino for R1 and R2



Mr.P.Raja for R3.

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This Civil Revision Petition is filed seeking to quash the complaint preferred by the third respondent under the provisions of the Domestic Violence Act, in so far as the petitioners is concerned.

2. The petitioners herein are parents in-law of the third respondent. The first respondent filed the above said complaint against the petitioners herein and also the respondents 1 and 2 herein under the provisions of Domestic Violence Act.

3. The learned counsel for the petitioners submits that the averments made in the complaint are very vague and the petitioners never lived in a shared house hold with the third respondent and hence, the provisions of Domestic Violence Act cannot be invoked against these petitioners.

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 house hold, 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 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 petitions are closed. The petitioners are at liberty to move the concerned Magistrate for getting appropriate remedy as per the law laid down in *Arul Daniel case*.

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.

19. 11. 2025

Internet: yes



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Index: Yes/No

Neutral citation: Yes/No

MST

To

The Additional Mahila Court, (Magisterial Level)
Alandur.



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S.SOUNTHAR J.

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