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CRP No.605 of 2



DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 605 of 2025

CMP No.3485 of 2025

1 . M.Ezhilarasan

2 . Malar kodi

3 . V.Mani

.. Petitioner(s)

Vs.

1 . J.Ramani

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records pertaining to DVC No.163 of 2024 pending on the file of Additional Mahila Court, Egmore, Chennai and strike out the petitioners name on the grounds of abuse of process of law and allow the civil revision petition.

For Petitioner(s): Mr.V.Chandrasekar



For Respondent(s) Ms.N.Rathi Rekha

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This Civil Revision Petition is filed to strike off the petitioners' name in the complaint preferred by the respondent under the provisions of the Domestic Violence Act.

2. The first petitioner is husband, 2nd petitioner is mother in-law and the third petitioner is sister in-law of the respondent. The learned counsel for the petitioners submits the averments made in the complaint are very vague and only to wreck vengeance against the petitioners, the respondent has filed the above said complaint and hence, the Magistrate ought not to have issued process against the petitioners.

3. 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. 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.

4. 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 the law laid down in *Arul Daniel case*.

5. 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

Index: Yes/No



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Neutral citation: Yes/No
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The Additional Mahila Court,
Egmore, Chennai.



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S.SOUNTHAR J.

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