



CRP No.821 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 11.12.2025**

CORAM

**THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**CRP No.821 of 2025 and  
CMP No.4845 of 2025**

1. M.Masilamani
2. M.Jayalakshmi
3. P.Lakshmanan
4. L.Santhi
5. K.Sundaram
6. S.Vasanthi

... Petitioners

Vs.

Geetha

... Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India to to set aside D.V.C.No.1 of 2020 on the file of the Judicial Magistrate cum District Munsif Court, Vanur.

For Petitioners: Mr.P.Thiagarajan

For Respondent Mr.M.Ramamoorthi

**ORDER**

This civil revision petition is filed seeking to quash the complaint in DVC No.1 of 2020 preferred by the respondent against the petitioners under the provisions of Domestic Violation Act.



2 . The 1<sup>st</sup> and 2<sup>nd</sup> petitioners are parents in-law of the respondent and the other petitioners are relatives of the petitioners 1 and 2.

3. Learned counsel for the petitioners would submit that the allegations contained in the complaint preferred by the respondent would not make out any *prima facie* case against the petitioners. Therefore, based on the allegations made in the complaint, the Magistrate ought not to have issued process against the 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 issues. 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.*



CRP No.821 of 2025

*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***.



CRP No.821 of 2025

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.

**11.12.2025**

Internet :Yes  
Index : Yes/No  
Neutral Citation : Yes/No.  
MST/shl

To

1. The Judicial Magistrate cum District Munsif Court,  
Vanur.



WEB COPY



CRP No.821 of 2025

**S.SOUNTHAR, J.**

MST/shl

CRP No.821 of 2025 and  
CMP No.4845 of 2025

11.12.2025