



WEB COPY



C.R.P.No.1201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.No.1201 of 2023

and

C.M.P.No.8245 of 2023

1.R.Ramdoss
2.R.Vimala
3.R.Kathiravan
4.R.Kavitha

...Petitioners

-Vs-

1.K.Priya
2.R.Karthik

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to strike off the petition in DVC.No.13 of 2022 on the file of the learned Judicial Magistrate, Tharangambadi.

For Petitioners : Mr.L.Ramkumar

For R1 & R2 : Not ready notice

ORDER

This civil revision petition is filed seeking to strike off the complaint in DVC.No.13 of 2022 on the file of the learned Judicial Magistrate, Tharangambadi, preferred by the petitioners against the respondents under



C.R.P.No.1201 of 2023

the provisions of the Domestic Violence Act.

WEB COPY

2. It is the case of the petitioners that the 1st respondent/wife had separated from her husband/2nd respondent in the year 2019, and the present complaint has been filed by the 1st respondent under the provisions of the Domestic Violence Act only on 07.07.2022 with false allegations. It is further stated that the learned Magistrate has issued process against the petitioners, who are the mother-in-law, brother-in-law and sister-in-law of the 1st respondent, though no case is made out against them.

3. The Full Bench of this Court in the case of ***Arul Daniel and Others Versus Suganya reported in (2022) SCC Online Mad 5435*** held that any person aggrieved by the process issued by the Magistrate can go before the very same Magistrate, raising preliminary objections. If any order is passed, the aggrieved person can also take recourse to an appeal under Section 29 of the Domestic Violence Act. The relevant observation of the 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



C.R.P.No.1201 of 2023

WEB COPY

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 the 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, civil miscellaneous petition is closed. The petitioners are at liberty to move the concerned learned Magistrate for getting appropriate remedy as per the law laid down in **Arul Daniel case**.



WEB COPY



C.R.P.No.1201 of 2023

S.SOUNTHAR, J.

cda

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

02.12.2025

cda

To

The Judicial Magistrate, Tharangambadi.

C.R.P.No.1201 of 2023