



C.R.P.No.583 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.583 of 2023
and
C.M.P.No.4687 of 2023

R.Liyakathali

...Petitioner

-Vs-

1.Shakila
2.Rahmadulla
3.Fathima

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to call for the records on the file of the Judicial Magistrate No.I, Puducherry, in D.V.C.No.70 of 2020 and quash the proceedings therein in so far as the petitioner is concerned and pass such further orders.

For Petitioner : Mr.V.Sairam

For R1 : Mr.R.Sathish Kumar

For R2 & R3 : Not ready notice

ORDER

This civil revision petition is filed seeking to quash the complaint in D.V.C.No.70 of 2020 on the file of the Judicial Magistrate No.I, Puducherry, preferred by the petitioner/husband against the 1st respondent/wife under the provisions of the Domestic Violence Act.



C.R.P.No.583 of 2023

2. Learned counsel for the first respondent would submit that the first respondent has preferred a false complaint against the petitioner nearly after 18 years from the date of marriage, and the allegations made in the complaint are not sufficient to attract the provisions of the Domestic Violence Act.

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 petitioner is aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for him to move the very same Magistrate, raising preliminary objections. 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 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



C.R.P.No.583 of 2023

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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 quash the complaint.

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

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

02.12.2025

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C.R.P.No.583 of 2023

S.SOUNTHAR, J.

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To

The Judicial Magistrate No.I, Puducherry.

C.R.P.No.583 of 2023

02.12.2025

4/4