



C.R.P.(PD)NO.1400 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15/12/2025

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.1400 OF 2023
AND C.M.P.NOS.9425 & 9426 OF 2023

1.S.Chinnathai
2.Sethuraman
3.K.Ramesh
4.R.Pichaiammal
5.Saraswathi
6.Kandhasamy

... Petitioners/Respondents 2 to 7

Vs.

1.T.Dhanalakshmi
2.S.Rajkumar

.. 1st Respondent/Complainant
... 2nd Respondent/1st Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to call for the records pertaining to the petition in DVC.No.55 of 2022 pending on the file of the learned Judicial Magistrate No.I, Tiruppur and to strike off the same.

For Petitioners : Mr.G.Kirubakaran
for Mr.K.S.Karthik Raja

For R1 : Ms.C.Delecta
for Mr.S.Manoharan

For R2 : No Appearance

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ORDER

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This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to call for the records pertaining to the petition in DVC.No.55 of 2022 pending on the file of the learned Judicial Magistrate No.I, Tiruppur and to strike off the same.

2. The Revision Petitioners herein are the Respondents 2 to 7 in D.V.C.No.55 of 2022. The 1st and 2nd petitioner are the parents of the 2nd respondent, the 3rd petitioner is the maternal uncle of the 2nd respondent, 4th petitioner is the wife of 3rd petitioner, 5th and 6th petitioners are the grandparents of the 2nd respondent. There is no dispute with regard to the relationship between the parties.

3. Heard Mr.G.Kirubakaran, representing Mr.K.S.Karthik Raja, learned counsel on record for the revision petitioners and Ms.C.Delecta representing Mr.S.Manoharan, learned counsel on record for the first respondent before this Court.

4. The learned representing counsel for the first respondent submits that 1st petitioner has filed a petition in D.V.C.No.55 of 2022 on the file of

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the Judicial Magistrate Court No.1, Tiruppur. Both sides have completed their oral evidence. The arguments on the petitioner's side were heard and the case was posted to 09.01.2026 for hearing the arguments on the side of the respondents.

5. At this juncture, this Court deems fit to cite the Full Bench Judgment of this Court in *Arul Daniel -vs- Suganya*, reported in **2022 SCC Online Mad 5435**, wherein it was held that resort to a revision petition under Article 227 of the Constitution of India to quash the domestic violence proceedings should not be made unless the Judicial Magistrate has no inherent jurisdiction to entertain the Domestic Violence Case.

6. This Court has perused the averments made in the petition in D.V.C.No.55 of 2022. Admittedly, the revision petitioners and the respondents were residing under one roof, and they had domestic violence issues.

7. Coming back to the case on hand, as stated supra, the domestic relationship between the parties is admitted. Hence, in view of the averments made in the complaint, this Court is of the view that the learned

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Magistrate has jurisdiction to entertain the case. Therefore, in view of *Arul Daniel's Case*, this Civil Revision Petition is not maintainable. The Revision Petitioners are at liberty to file an application before the learned Magistrate concerned to strike off the petition in D.V.C.No.55 of 2022 and in such a scenario, the learned Magistrate shall decide the same on merits in accordance with law dehors this Order. If the said application is dismissed, the next remedy available to the Revision Petitioners is an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 and only over the Order passed therein, the Revision Petitioners can prefer a Civil Revision Petition by invoking Article 227 of the Constitution of India. Hence, this Civil Revision Petition is liable to be dismissed.

8. That apart, the learned Counsel for the Revision Petitioners prayed that this Court may direct the learned Magistrate to dispense with the personal appearance of the Revision Petitioners before the learned Magistrate considering their age.

9. Considering the age of the Revision Petitioners, the learned Judicial Magistrate is hereby directed to dispose of the case in DVC.No.55 of 2022, expeditiously.

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10. In view of the facts and circumstances, this Court is not inclined to allow the revision petition. Accordingly, the Civil Revision Petition is dismissed. However, this Court directs the learned Judicial Magistrate not to insist on the presence of the Revision petitioners at each and every hearing except when their presence is deemed necessary for progress of the proceedings. In other words, the personal appearance of the revision petitioners before the learned Judicial Magistrate, hereby stands dispensed with. However, the revision petitioners shall appear before the learned Magistrate as and when required. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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R. SAKTHIVEL, J.

kkd

To

The Judicial Magistrate No.I,
Tiruppur.

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