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CRP No.813 of 2



DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 813 of 2025

CMP No.4789 of 2025

- 1 . K.M.Sengottaian
- 2 . S.Vasanthi
- 3 . K.S.Satesh Kumar

.. Petitioner(s)

Vs.

- 1 . E.Krithika
- 2 . Minor N.K.Lishanth
minor duly rep. By guardian mother
E.Krithika

- 3 . S.Nirmalkumar

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records relating to the DVC No.7 of 2024 pending on the file of the Judicial Magistrate No.II, Gobichettipalayam to strike off in respect of the petitioners.



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For Petitioner(s): Mr.V.S.Senthilkumar

For Respondent(s) Mr.A.V.Arun for R1 and R2

Mr.I.Jenkins William for R3.

This Civil Revision Petition is filed seeking to quash the complaint preferred by the first respondent under the provisions of the Domestic Violence Act, in so far as the petitioners is concerned.

2. The petitioners 1 and 2 are parents in-law and the third petitioner is brother in-law of the first respondent. The first respondent filed the above said complaint against the petitioners herein and the third respondent/husband under the provisions of Domestic Violence Act.

3. The learned counsel for the petitioners submits the averments made in the complaint are very vague and the petitioners never lived in the shared house hold with the first respondent and hence, the provisions of Domestic Violence Act cannot be invoked against these 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 objections, like absence of shared house hold, domestic violence, etc. 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.

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

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.

19. 11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Judicial Magistrate No.II,
Gobichettipalayam



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S.SOUNTHAR J.

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