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C.R.P.No.1288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.11.2025

Coram:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**C.R.P.No.1288 of 2024 and
C.M.P.Nos.6827 and 6828 of 2024**

1. A.Indrani

2. A.Anandhan

..Petitioners

Vs.

1. B.Shanmugapriya

2. A.Srinivasan

.. Respondents

PRAYER: The Civil Revision Petition has been filed under Article 227 of the Constitution of India to strike off the complaint given under Domestic Violence Act in D.V.C.No.50 of 2023 on the file XV Metropolitan Magistrate Court at George Town, Chennai, as far as the petitioners are concerned.

For petitioners : Mr.S.Lokesh

For respondents : Mr.J.Lakshmikanthan for R1

Served - No Appearance - R2

ORDER

The Civil Revision Petition is filed seeking to strike off the complaint preferred by the first respondent under the provisions of the Domestic Violence Act.



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2 The petitioners are parents-in-law and the second respondent is husband of the first respondent/wife. The first respondent/wife filed Domestic Violence complaint against her husband and parents-in-law. Aggrieved by the issuance of process in the domestic violence complaint preferred by the first respondent/wife, the petitioners have come before this Court.

3 The revision has been filed mainly on the ground that the allegations made against the petitioners, who are all parents-in-law are not serious and hence the learned Magistrate ought not to have issued process to the petitioners.

4 The Hon'ble 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 and raise preliminary objections with regard to the issues like existence of a shared household/ domestic relationship etc., 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 portion reads as follows:-

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“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.”

5 In view of the categorical pronouncement of law by the Full Bench of this Court that a person aggrieved by issuance of process can very well approach the concerned Judicial Magistrate seeking to strike off the Domestic Violence complaint, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India as held by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society*** reported in ***MANU/SC/1365/2019***.



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6 Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to approach the very same Judicial Magistrate seeking to strike off the Domestic Violence complaint. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioners is raised, the Judicial Magistrate shall consider and dispose of the same as expeditiously as possible. No costs. Consequently, the connected civil miscellaneous petitions are closed.

7 The complaint preferred by the first respondent under Section 12 of Domestic Violence Act is predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioners before the learned Magistrate unless their presence is absolutely necessary.

12.11.2025

Speaking Order / Non Speaking Order

Neutral Citation : Yes/No

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To

The XV Metropolitan Magistrate Court at George Town, Chennai,

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S.SOUNTHAR, J.

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