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CRP No.1847 of 2025



DATED: 03-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 1847 of 2025 and
CMP No.10636 of 10637 of 2025**

1. S.A.K.Sheik Fareeth

S/o. Abdul Khader Jalani, Residing at
old No.20, New No 31, South Street,
Singarajar Colony, Madurai-625 002

2. Fathima Beevi

W/o. Abdul Khader Jalani, Residing at
old No.20, New No 31, South Street,
Singarajar Colony, Madurai-625 002

3. Abdul Khader Jalani,

S/o. Sheik Rasool, Residing at old
No.20, New No 31, South Street,
Singarajar Colony, Madurai-625 002

Petitioner(s)

Vs

1. NEELUFAR

D/o. Syed Usman Ali, No.4, 1st Floor,
V.G.P.Layour, Alasanatham, Sennathur
North, Hosur, Hosur Taluk, Krishnagiri
District

Respondent(s)



PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records in DVC.No.1 of 2025 on the file of Judicial Magistrial -II, Hosur and quash the same.

For Petitioner(s): No appearance

For Respondent(s): Mr.A.Alaguraja

ORDER

This civil revision petition is filed seeking to quash the complaint preferred by the respondent/wife under the provisions of the Domestic Violence Act.

2. The first petitioner is husband and the 2nd and 3rd petitioners are the parents in-law of the respondent. It is the case of the petitioners that the averments in the complaint preferred by the respondent did not warrant the issuance of process against the petitioners, however, the Magistrate issued process to the petitioners, without application of mind.



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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 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 issues.

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.

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

5. 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.



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Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Metropolitan Magistrate,
Additional Mahila Court, Egmore,
Chennai.



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S.SOUNTHAR, J.

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