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CRP No.1571 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 1571 of 2024 and
CMP Nos.8462 and 8464 of 2024**

1. Kamatchiammal
2. Sarasu
3. Kathan
4. Prakash
5. Suresh

... Petitioner(s)

Vs.

1. N.Thulasimani
2. Minor Kumaraguru
minor represented by his mother and
natural guardian, the 1st respondent
3. Narayanan

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the petitioners name in DVC No.15 of 2023 on the file of learned Judicial Magistrate, Paramathi.

For Petitioner(s): Mr. T.Veerakumar

For Respondent(s): Mr. V.K.Vengadesh Durai Raja
for M/s Deepan Uday
for R1 and R2
M/s B.Sathishkumar for R3

ORDER

This civil revision petition is filed seeking to strike off the complaint in DVC No.15 of 2023 preferred by the respondents as against the petitioners under the provisions of the Domestic Violence Act.



2. The first petitioner is mother in-law and the 2nd petitioner is sister in-law of the first respondent. The petitioners 3 to 5 are husband and sons of 2nd petitioner. The respondents 1 and 2 filed the above said complaint against the petitioners and the 3rd respondent/ husband.

3. The learned counsel for the petitioners would submit that the marriage between the first and 3rd respondent was dissolved by a decree of divorce on 27.08.2007. He further submitted that the first respondent preferred the above said complaint nearly after 16 years from the date of decree of divorce in order to harass the petitioners. Hence, the Magistrate ought not to have issued process to the 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 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.

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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 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**.



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.

11.12.2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Judicial Magistrate, Paramathi.



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S.SOUNTHAR, J.

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