



C.R.P.No.1419 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.1419 of 2024 and
C.M.P.No.7592 of 2024**

Subalakshmi

..Petitioner

Vs.

Dhanalakshmi

.. Respondent

PRAYER: The Civil Revision Petition has been filed under Article 227 of the Constitution of India to quash the petition filed in D.V.C.No.5 of 2023 pending on the file of the Judicial Magistrate-II, Tindivanam, to try the cases filed under Protection of Women from Domestic Violence Act.

For petitioner : Mrs.Thenmozhi R

For respondent : Mr.M.Arumugam

ORDER



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The Civil Revision Petition is filed seeking to quash the complaint

preferred by the respondent under the provisions of the Domestic Violence

Act.

2 The petitioner is daughter-in-law and the respondent is mother-in-law. The respondent/mother-in-law filed Domestic Violence complaint against her daughter-in-law. Aggrieved by the issuance of process in the domestic violence complaint preferred by the respondent, the petitioner has come before this Court.

3 According to the respondent, the petitioner entered into the house of the respondent on 20.12.2022 and assaulted her by pulling her saree.

4 The revision has been filed mainly on the ground that the allegations of physical violence made in the complaint are imaginary and



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those allegations are totally false. Hence the learned Magistrate ought not to have issued process to the petitioner.

5 The allegations made in the complaint are disputed question of fact. This Court cannot decide the genuineness or otherwise of the claim made by the respondent. Hence this Court is not inclined to entertain this Civil Revision Petition.

6 Further, 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.”



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7 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 raising preliminary issues, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India.

8 Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioner to approach the very same Judicial Magistrate raising preliminary issues against 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



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costs. Consequently, the connected civil miscellaneous petition is closed.

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9 The complaint preferred by the 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 petitioner before the learned Magistrate unless her presence is absolutely necessary.

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Speaking Order / Non Speaking Order

Neutral Citation : Yes/No

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To

The Judicial Magistrate-II, Tindivanam.

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S.SOUNTHAR, J.

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