



CRP No. 1558 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 1558 of 2024

AND

CMP NO. 8381 OF 2024,CMP NO. 8383 OF 2024

1.Karthik Sundaram,
S/o.Karuppagounder,
3/41, Amanalingapuram Kambalapatti
Anaimalai Tk, Coimbatore District.

2.Sumathi,
W/o.Karthik Sundaram,
3/41 Amanalingapuram Kambalapatti
Anaimalai Tk, Coimbatore District.

3.Ravikumar,
S/o.Thulasigounder,
3/41 Amanalingapuram, Kambalapatti
Anaimalai Tk, Coimbatore District.

4.Lakshmi,
W/o.Shanmugavelgounder ,
3/41 Amanalingapuram Kambalapatti
Ananimalai Tk, Coimbatore District.

5.Mahalingam,
S/o.Shanmmugavel,
3/41 Amanalingapuram, Kambalapatti,
Ananimalai Tk, Coimbatore District.

Petitioner(s)

Vs

1.Bavadharani,
W/o.Sivakumar,
2/98 Kondegoundepalayam Pollachi Tk,
Coimbatore District.



2.Sivakumar,
S/o.Karthik Sundaram,
3/41 Amanalingapuram Kambalapatti Post,
Ananimalai Tk, Coimbatore District.

Respondent(s)

[Notice to the 2nd respondent herein may be
given up as no relief is sought for against him]

PRAYER:-Civil Revision Petition filed under Article 227 of the Constitution of India seeking to strike off the complaint in DVA.No. 29/2023 on the file of the Ld. Judicial Magistrate No.II, Pollachi by allowing this Civil Revision Petition.

For Petitioner(s): N.Ponraj

For Respondent(s): No Appearance

ORDER

The Civil Revision petition is filed seeking to strike of the complaint preferred by the respondent against the petitioners under the provisions of Domestic Violence Act.

2. The petitioners 1 and 2 are parents-in-law of the 1st respondent/complainant and the petitioners 3 to 5 are the relatives of the petitioners 1 and 2. According to the petitioners, allegations made by the 1st respondent/complainant are not sufficient to issue process against the petitioners.

3. The 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:-

“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.”

4. In view of the availability of effective alternative remedy to the petitioner before the concerned Magistrate and also further remedy before Sessions Court under Section 29 of the Domestic Violence Act, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. The Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma***



Paripalana Shabha Vs Tuticorin Educational Society reported in ***MANU/SC/1365/2019***, held that availability of remedy before regular Courts is

a near total bar to exercise the supervisory power under Article 227 of Constitution of India. Hence, I am not inclined to interfere in revision.

5. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to approach the very same Judicial Magistrate and workout their remedy in terms of order passed in ***Arul Daniel Case***. If any such application is filed raising preliminary issues with regard to the maintainability of the petition against revision petitioners, the Judicial Magistrate shall consider the same and dispose of the same as expeditiously as possible.

6. The complaint preferred by the 1st respondent seeking various orders under Sections 18(a), 20 & 22 of Domestic Violence Act are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioners before the learned Judicial Magistrate No.II, Pollachi, unless their presence is absolutely necessary. No costs. Consequently, connected miscellaneous petitions are closed.

11-12-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To:-
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The Judicial Magistrate No.II, Pollachi.



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S.SOUNTHAR J.

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