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CRP.No.1398 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1398 of 2025 and

CMP.Nos.8281 of 2025

S.Sai Ganesh Babu

... Petitioner

Vs.

1. S.Deepa

2.S.Ramanagirivasan

3. S.Vijayalakshmi

4. S.Uma Maheswari

5.S.Deepa Ilavarasi

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to strike off the proceedings in DVC No.75 of 2024 against the petitioner/first respondent on the file of the Learned Additional Mahila Court at Egmore, Chennai.



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For Petitioners
For Respondent

: M/s.R.Ganesh Kumar
: M/s.Majestic Law firm for R1
R2 to R5- Left

ORDER

The civil revision petition has been filed to strike off the complaint filed by the respondent/complainant in DVC.No.75 of 2024 on the file of learned Additional Mahila Court, Egmore, Chennai under the provisions of Domestic Violence Act.

2. The learned counsel for the petitioners submitted that the allegations levelled against the petitioner/husband in the complaint are omnibus and majority of the allegations are levelled only against the brother of the petitioner and hence, the respondent has not made out any case for issuing process



against the petitioner.

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.,*



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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 alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, 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 alternative remedy before regular Courts, is near total bar for exercise of supervisory power by High



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Court. Hence, I am not inclined to interfere in revision.

5. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioner to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in *Arul Daniel* case cited supra.

6. Having regard to the fact the complaint preferred under Section 12 of Domestic Violence Act is predominantly civil in nature, this Court is inclined to dispense with the personal appearance of the petitioner before the learned Magistrate unless it is absolutely necessary. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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To

The Additional Mahila Court, Egmore, Chennai.

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