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C.R.P.No.1518 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1518 of 2025
and C.M.P.No.8851 of 2025

Ratha Bai

... Petitioner

vs.

N.Shanthi

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the entire records in D.V.C.No.43 of 2024 on the file of the Additional Mahila Court, Magisterial Level, Tiruvallur and quash the same by allowing this Civil Revision Petition.

For Petitioner : Mr.C.Munusamy

For Respondent : Mrs.Selvi Rajesh
for M/s.P.Rajesh

ORDER

The Civil Revision Petition is filed seeking to quash the complaint preferred by the respondent/wife under the provisions of Protection of Women from Domestic Violence Act, 2005 in D.V.C.No.43 of 2024 on the file of the Additional Mahila Court, Magisterial Level, Tiruvallur.



2. The learned counsel appearing for the petitioner would submit that the petitioner is the sister-in-law of the respondent and the allegations made in the domestic violence complaint are not sufficient to invoke the provisions of the above said Act. It is also stated that the Additional Mahila Court, Magisterial Level, Tiruvallur issued process to the petitioner without application of mind. Hence, the complaint preferred by the respondent against the petitioner shall be quashed.

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 Judicial Magistrate can go before the very same Judicial 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 Protection of Women from Domestic Violence Act, 2005. 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 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 and hence, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India. When petitioner has remedy before Regular Magistrate, as held by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin***



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Educational Society reported in *MANU/SC/1365/2019*, this Court need not exercise its supervisory jurisdiction.

5. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioner to approach the very same Magistrate raising preliminary issues. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioner is raised, the Additional Mahila Court, Magisterial Level, Tiruvallur shall consider and dispose of the same as expeditiously as possible.

6. The complaint preferred by the respondent seeking various orders under Sections 12, 18, 19 and 22 of the Protection of Women from Domestic Violence Act, 2005, are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioner before the Judicial Magistrate, Rasipuram, unless her presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petition is closed.

10.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Additional Mahila Court, Magisterial Level,
Tiruvallur.



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S.SOUNTHAR, J.

dm

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