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CRP No.1783 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.1783 of 2025 and
CMP No.10300 of 2025**

1. S.Ramagirivasan
2. S.Deepa Ilavarasi

... Petitioners

Vs.

1. S.Deepa
2. S.Sai Ganesh Babu
3. S.Vijayalakshmi
4. S.Uma Maheswari

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the proceedings in D.V.C.No.75 of 2024 against the petitioners/second and fifth respondents on the file of the learned Additional Mahila Court at Egmore, Chennai.

For Petitioners: Mr.R.Rajasekaran

For R1: No such person

For R2: Served-No appearance

ORDER

This civil revision petition is filed to strike off the complaint in DVC No.75 of 2024 preferred by the 1st respondent as against the petitioners.



2. The petitioners herein are the parents in-law of the first respondent and she filed the above said complaint against the petitioners and the respondents 2 to 4.

3. Learned counsel for the petitioners would submit that the 1st petitioner is brother-in-law of the 1st respondent and the 2nd petitioner is the wife of 1st petitioner. He further submits that the allegations made against the petitioners by the first respondent in the complaint are false. He would further submit that the Magistrate ought not to have issued the process against the petitioners, based on the allegations which are per-se and unsustainable.

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*



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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.

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 petition is closed. The petitioners are at liberty to move the concerned Magistrate for getting appropriate remedy as per law laid down in **Arul Daniel case**.



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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.

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To

1. The Additional Mahila Court,
Egmore, Chennai.



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S.SOUNTHAR, J.

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