



DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 77 of 2025
CMP No.657, 658 of 2025

1. P.Priscilla Marry
- 2 . I.Philip Antony Raj
- 3 . P.Mary Preethi Celsia

.. Petitioner(s)

Vs.

Anusha Princy Bashyam

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records in DVC No.29 of 2023 pending before the Judicial Magistrate, Ambattur and quash the same against the petitioners and allow the civil revision petition.

For Petitioner(s): Mr.S.V.Udaya Kumar

For Respondent(s) Mr.S.Kiruthika

This Civil Revision Petition is filed to quash the complaint filed by the respondent against the petitioners under the provisions of the Domestic



Violence Act.

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2. It is the case of the petitioners that the first and 2nd petitioners are parents in-law and the third petitioner is sister in-law of the respondent and the allegations made in the complaint are very vague and hence, the Magistrate ought not to have issued process to the petitioners.

3. 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 objections. 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 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.

4. Accordingly, this civil revision petition is dismissed. There shall be no



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

5. 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.

19. 11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Judicial Magistrate, Ambattur.



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