



CRP No.2659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.2659 of 2024 and
CMP No.14075 of 2024**

Rajaprabhakar

... Petitioner(s)

Vs.

Supriya

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 18.03.2024 in CMP No.8839 of 2022 in DVA No.155 of 2019 on the file of Judicial Magistrate, Special Court for Trial of Domestic Violece Cases, Coimbatore and allow the revision petition.

For Petitioner(s): Mr. K.Suresh Subramanian



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For Respondent(s): Mr.K.Sudhakar

ORDER

This Civil Revision Petition is filed, challenging the order passed by the learned Judicial Magistrate, dismissing the application filed by the petitioner/husband, raising preliminary objections with regard to the maintainability of the Complaint filed by the respondent/wife against him under the provisions of the Domestic Violence Act.

2. As per the law laid down by the Full Bench of this Court in *Arul Daniel and Others Versus Suganya* reported in (2022) SCC Online Mad 5435, the respondent in a complaint, filed under the Domestic Violence Act, can file application before the concerned Magistrate, raising preliminary objections. Any person aggrieved by the order passed by the concerned Magistrate in such application, can file an appeal before the jurisdictional Sessions Judge, under



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Section 29 of the DVC Act. Therefore, in view of the availability of the alternative remedy to the petitioner, this court is not inclined to exercise its supervisory jurisdiction, as per the law laid down by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society reported in MANU/SC/1365/2019.***

3. Accordingly, this civil revision petition is dismissed with liberty to the petitioner to approach jurisdictional Sessions Judge seeking remedy. There shall be no order as to costs. Connected miscellaneous petition is closed.

4. The petitioner is entitled to exclude the period taken by him to prosecute this civil revision petition before this court from 24.06.2024 to the date of receipt of copy of the order of this civil revision petition, for the purpose of filing an appeal under Section 29 of DVC Act.

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To

The Judicial Magistrate,
Special Court for Trial of Domestic Violence Cases,
Coimbatore.



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S.SOUNTHAR, J.

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