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CRP No.2541 of 2



DATED: 17-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 2541 of 2024 and
CMP Nos.13321 and 13319 of 2024**

1. M.Surender

2 . M.Vijayalakshmi

3 . S.T.Mohan

... Petitioner(s)

VS.

S.Sushmitha

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the proceedings in DVC No.7 of 2024 passed by the Additional District Munsif cum Judicial Magistrate, Ambur, Thirupattur District and allow the civil revision petition.

For Petitioner(s): Mr. R.Muruga Bharathi

For Respondent(s) Mr.R.Poornima

This Civil Revision Petition is filed seeking to strike off the complaint filed by the respondent/wife against the petitioners in DVC No.7 of 2024.



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2 The first petitioner is husband and the petitioners 2 and 3 are the parents in-laws of the respondent. According to the learned counsel for the petitioners, the respondent preferred a false complaint against the petitioners with the sole aim of harassing them. It is the case of the petitioners that the averments made in the above complaint are not sufficient to take cognizance by the Magistrate under the provisions of Domestic Violence Act.

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 the 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



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

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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.

17. 11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Additional District Munsif
cum Judicial Magistrate,
Ambur, Thirupattur District.



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