



C.R.P.No.4188 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.4188 of 2025
and
C.M.P.Nos.21516 and 21517 of 2025

1.Vinoth Kumar

2.Salomi

... Petitioners

VS.

Julie Jebaraj

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the complaint filed under the Domestic Violence Act in D.V.C.No.187 of 2024 on the file of the Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai.

For Petitioners : Mr.R.Dhanasekar

For Respondent : Ms.D.Rajalakshmi



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ORDER

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The Civil Revision Petition is filed seeking to strike off the complaint preferred by the respondent/wife under the provisions of Protection of Women from Domestic Violence Act, 2005 in D.V.C.No.187 of 2024 on the file of the Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai.

2. According to the petitioners, the 1st petitioner and the respondent have been living separately for the past 1½ years and therefore, there is no possibility of domestic violence. It is further submitted that the learned Metropolitan Magistrate issued process to the petitioners without examining the averments made in the complaint preferred by the respondent. Hence, the complaint preferred by the respondent against the petitioners shall be struck off.

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.”



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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 seeking to strike off the domestic violence complaint, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India as held 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***.

5. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to approach the very same Metropolitan Magistrate seeking to strike off the complaint in D.V.C.No.187 of 2024. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioners is raised, the Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai, shall consider and dispose of the same as expeditiously as possible.

6. The complaint preferred by the respondent seeking various orders under Sections 12, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 are predominantly civil in nature and



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therefore, this Court is inclined to dispense with the personal appearance of the petitioners before the learned Metropolitan Magistrate, unless their presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petitions are closed.

01.12.2025

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

To

The Metropolitan Magistrate Additional Mahila Court,
Egmore, Chennai.



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S.SOUNTHAR, J.

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