



WEB COPY

CRP No. 2920 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

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THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 2920 of 2024 and
CMP.No.15597 of 2024**

1. Joseph Clament

2.Gnana Ruby

Petitioners

Vs

Steffy Joesphine

Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 14.06.2024 in Cr.MP.No.108 of 2024 in DVC No.108 of 2023 on the file of the Chief Judicial Magistrate at Pondicherry and consequently, allow the same.

For Petitioners: Mr.R.Chandra Sudan

For Respondent: Mr.H.Adaikala Arockiaraj

ORDER

The Civil Revision Petition is filed challenging the order passed by the Chief Judicial Magistrate, Puducherry, dismissing the application filed by the petitioners raising certain preliminary issues with regard to the maintainability of the complaint preferred by the respondent under the provisions of the



Domestic Violence Act.

2. 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 Magistrate can go before the very same 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 Domestic Violence Act. 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.

3. In view of the availability of alternative remedy to the petitioners before the Sessions Court under Section 29 of the Domestic Violence Act, this Court is not inclined to exercise 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***.

4. 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***, against the impugned order, the petitioners have got remedy of appeal under Section 29 of Domestic Violence Act. Therefore, the civil revision petition is dismissed with liberty to file an appeal before the jurisdictional Sessions Judge.

5. The petitioners are entitled to exclude the time taken by them in prosecuting the revision before this court, i.e., from 02-07-2024 to the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

17-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



Note:Registry is directed to return the original impugned order to the counsel appearing for the petitioners.

To

The Chief Judicial Magistrate,
Pondicherry



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