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CRP.No.2700 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2700 of 2024 and
CMP.Nos.14225 & 14226 of 2024

1. Sathyamoorthy
2. Senthamarai

... Petitioners

Vs.

S.Gunapriya

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to call for the records pertaining to DVC No.16 of 2024 on the file of the Learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai and quash the same.

For Petitioners	: M/s.B.Gopalakrishnan
For Respondent	: Mr.D.J.Adinarayanan



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ORDER

The civil revision petition has been filed by the petitioners seeking to quash the domestic violence complaint filed by the respondent/complainant in DVC.No.16 of 2024 under the provisions of Domestic Violence Act.

2. The learned counsel for the petitioners submitted that the 1st petitioner namely Sathyamoorthy died on 11-04-2025. Therefore, the proceedings against the 1st petitioner before the learned Magistrate is abated.

3. According to the learned counsel for the petitioners that petitioners herein are parents-in-law of the respondent and there is no allegations made against the petitioners in the complaint of the respondent. Therefore,

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according to him the learned Magistrate ought not have issued process against the petitioners.

4. 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.

5. In view of the availability of alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, the Hon'ble Apex Court in the case of **Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society** reported in **MANU/SC/1365/2019** held that availability of alternative remedy before



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regular Courts, is near total bar for exercise of supervisory power by High Court. Hence, I am not inclined to interfere in revision.

6. Accordingly, the Civil Revision petition stands dismissed with liberty to the 2nd petitioner to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in *Arul Daniel* case cited supra.

7. The personal appearance of the second petitioner before the learned Magistrate is dispensed with unless her appearance is absolutely necessary. Accordingly, the civil miscellaneous petition in CMP.No.14226 of 2024 is ordered.

8. As far as the first petitioner is concerned, the proceedings initiated against the first petitioner got abated due to his death. Hence, no further orders are necessary as far as the first petitioner is concerned. Consequently, the connected CMP.No.14225 of 2024 is closed. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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To

The Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai.



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S.SOUNTHAR, J.

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