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CRP.No.2905 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2905 of 2024 and
CMP.Nos.15493 of 2024

1.K.Christon
2. Kingston
3.Annie Mary

... Petitioners

Vs.

Mrs.Cynthia Jacqueline

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying to quash the DVC No.25/2024 on the file of the XVIII Metropolitan
Magistrate Court Saidapet against the petitioners.

For Petitioners	: No appearance
For Respondent	: Mr.R.Clement Roy

ORDER



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The Civil Revision Petition is filed seeking to quash the complaint preferred by the respondent/ complainant under the provisions of Domestic Violence Act.

2. It is stated by the petitioners in the memorandum of grounds that based on the allegations found in the complaint preferred by the respondent, no *prima facie* case is made against the petitioners and the same has been preferred just to harass the petitioners.

3. Mr.L.Rajasekar, the learned counsel appearing for the respondent submitted that he has already given change of vakalat. Therefore, his name may be removed from the cause list. The said statement is recorded.

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



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(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 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



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to the petitioners to approach the concerned Magistrate for getting appropriate

remedy in terms of order passed in *Arul Daniel* case cited supra. Consequently,

the connected miscellaneous petition is closed. No costs.

18.11.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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To

The XVIII Metropolitan Magistrate Court, Saidapet



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S.SOUNTHAR, J.

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