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CRP.No.2817 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2817 of 2024 and
CMP.Nos.14992 and 14995 of 2024

M.Priyavashini

... Petitioner

Vs.

G.Naveena

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the entire proceedings relating to DVC No.04 of 2024, on the file of the Judicial Magistrate Court at Arakkonam, as against the petitioners.

For Petitioner : M/s.Uma Vidyapathi

For Respondent : Mr.V.Nithyanandam



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ORDER

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

2. The petitioner is the sister-in-law of the respondent /complainant. According to the petitioner, she never resided with respondent and hence there was no shared household to enable respondent to invoke provisions of DV Act.

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 Magistrate can go before the

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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.

4. 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.

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

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6. Having regard to the fact the complaint preferred under Section 12 of

Domestic Violence Act is predominantly civil in nature, this Court is inclined

to dispense with the personal appearance of the petitioner before the learned

Magistrate unless it is absolutely necessary. Accordingly, the CMP.No.14995

of 2024 is ordered and CMP.No. 14992 of 2024 is closed. No costs.

18.11.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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To

The Judicial Magistrate Court, Arakkonam,



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S.SOUNTHAR, J.

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