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CRP.No.3434 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3434 of 2024 and
CMP.Nos.18667 and 18668 of 2024

- 1.N.Dinesh
2. N.Jayanthi
3. B.Neelamegan

Petitioners 1 to 3 withdrawn vide court order
dated 29.08.2025 made in CRP.No.3434/2024 and
CMP.No.18667/2024

- 4.Monisha
5. Rekha

... Petitioners

Vs.

Mrs. K.Kotteswari

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying to strike out the complaint in DVC No.15/2024 on the file of the



CRP.No.3434 of 2024

Judicial Magistrate No.1, Tambaram with regard to the petitioners concern by
allowing the CRP

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For Petitioners : M/s.R.Gokulakrishnan

For Respondent : No appearance

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. It is seen from the order passed by this Court on 29-08-2024, the civil revision petition was already withdrawn as far as the petitioners 1 to 3 are concerned.

3. The petitioners 4 and 5 are sisters-in-law of the respondent, who is the complainant in the domestic violence case.

2/8



4. The learned counsel for the petitioners submitted that there is no specific averment against the petitioners 4 and 5 and hence, the learned Magistrate ought not have issued process to the petitioners.

5. 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



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CRP.No.3434 of 2024

(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.

6. 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 4/8



CRP.No.3434 of 2024

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.

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

8. 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 petitioners before the learned Magistrate unless it is absolutely necessary. Accordingly, the CMP.No.18668 of 2024 is ordered and CMP.No. 18667 of 2024 is closed. No costs.

18.11.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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5/8



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CRP.No.3434 of 2024

To

The Judicial Magistrate No.1, Tambaram



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CRP.No.3434 of 2024

S.SOUNTHAR, J.

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