



WEB COPY

CRP No.4877 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 4877 of 2025

1. S. Harshavardhan
S/o. T. Srinivasan, Siddhi No.1, 3rd
Floor, F Cross, 5th Main Road,
Byataranapura New Extension, Near
Balaji Medicalas, Bangalore 560026.

Petitioner(s)

Vs

1. Udhayalakshmi
D/o. S. Balaji, No.7, Hasthagiri St,
West Mambalam, Chennai 033.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to quash the petition on the file of DVC No.85 of 2024 by the Honble XVII Metropolitan Magistrate Saidapet.

For Petitioner(s): Mr. R.Mahalakshmi

ORDER

This civil revision petition is filed seeking to quash the complaint preferred by the respondent against the petitioner under the provisions of the Domestic Violence Act.

2. The petitioner is husband of the respondent. The learned counsel for the petitioner would submit that the respondent preferred the complaint in DVC No.85 of 2024, nearly after 1 ½ years from the date of separation. Therefore, the allegations made in the complaint are false and frivolous.



3. In view of the Law settled by this Court in ***Arul Daniel and Others Versus Suganya*** reported in (2022) SCC Online Mad 5435, if the petitioner is aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for him to move the very same Magistrate raising preliminary issues. The relevant observation of Full Bench 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.*

Hence, this court is not inclined to exercise its Supervisory Power available under Article 227 of Constitution of India to strike off the complaint.



4. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. The petitioner is at liberty to move the concerned Magistrate for getting appropriate remedy as per law laid down in *Arul Daniel case*.

5. Taking into consideration the proceedings initiated before learned Magistrate is predominantly civil in nature, the personal appearance of the petitioner during enquiry before Magistrate is dispensed with, unless his personal appearance is absolutely necessary.

03.12.2025

Internet: yes
Index: Yes/No
Neutral citation: Yes/No
MST

To

The XVII Metropolitan Magistrate, Saidapet.



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S.SOUNTHAR, J.

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