



C.R.P.No.2634 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

C.R.P.No.2634 of 2025

and

C.M.P.No.14903 of 2025

1.S.Sugantha

2.Ganesh

.. Petitioners

VS

P.Anuradha

.. Respondent

Prayer : Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 08.04.2025 in CrI.M.P.No.5691 of 2022 in DVC.No.39 of 2017 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and allow the revision petition.



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For Petitioner :Mrs.Mrs.A;L.Gandhimathi
Senior Advocate

For Respondent :Mr.R.Venkatesan

ORDER

The Civil Revision Petition is filed challenging the order passed by the learned Magistrate dismissing the application filed by the petitioners seeking to delete their names from the array of parties in the Domestic Violence complaint.

2. 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.

3. In view of the availability of alternative remedy to the petitioners before the Sessions Court under Section 29 of the Domestic Violence Act, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India.

4. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioners to avail alternative remedy available under Section 29 of Domestic Violence Act.

5. The petitioners are entitled to exclude the time taken by them in prosecuting the revision before this court, i.e., from 19.06.2025 to the date of receipt of a copy of this order while calculating the limitation for



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filing appeal before the Sessions Court. No costs. Consequently, the

connected civil miscellaneous petition is closed.

19.11.2025

Index:Yes/No

Neutral Citation:Yes/No

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Note: Registry is directed to return the original order to the counsel appearing for the petitioners.



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To
The XVIII Metropolitan Magistrate, Saidapet,
Chennai.



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S. SOUNTHAR,J.,

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