

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2556 of 2025

and CMP.No.14547 of 2025

1.P.Balasubramaniam

2.P.D.Mageswari

3.B.Balamuralidaran

... Petitioners

Vs.

S.Monika

...Respondent

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying to strike off the complaint in DVC.No.173 of 2023 on the file of the learned Additional Mahila Court, Egmore, Chennai by allowing this Civil Revision Petition.

For Petitioners

:Mr.P.Krishnan

For Respondent

:M/s.C.S.Dhanasekaran

ORDER

The Civil Revision petition is filed seeking to strike off the complaint preferred by the respondent against the petitioners under the provisions of Domestic Violence Act.

2. The petitioners are husband and parents-in-law of the respondent. According to the petitioners, as per the allegations made in the complaint preferred by the respondent, there was no shared household between the petitioners and the respondent and therefore the Judicial Magistrate ought not have issued process against the petitioners.

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 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.”

4. In view of the availability of effective alternative remedy to the petitioner before the concerned Magistrate and also further remedy before 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. 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 remedy before regular Courts is a near total bar to exercise the supervisory power under Article 227 of Constitution of India. Hence, I am not inclined to interfere in revision.

5. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to approach the very same Judicial Magistrate and workout their

remedy in terms of order passed in *Arul Daniel Case*. If any such application is filed raising preliminary issues with regard to the maintainability of the petition against revision petitioners, the Judicial Magistrate shall consider the same and dispose of the same as expeditiously as possible.

6. The complaint preferred by the respondent seeking various orders under Sections 19, 20, 22 and 23 of Domestic Violence Act are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioners before the learned Additional Mahila Court, Egmore, Chennai, unless their presence is absolutely necessary. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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To
The Additional Mahila Court, Egmore,
Chennai

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