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C.R.P.No.4355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.No.4355 of 2025
and
C.M.P.No.22311 of 2025

1.Suresh
2.Rani

...Petitioners

-Vs-

Kamali

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to call for the records and quash the proceedings in D.V.C.No.3 of 2025 in the Court of the learned District Munsif cum Judicial Magistrate, Sendurai, and pass such further orders.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.T.Anantha Sekar



C.R.P.No.4355 of 2025

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ORDER

This civil revision petition is filed seeking to quash the complaint in D.V.C.No.3 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Sendurai, preferred by the respondent against the petitioners under the provisions of the Domestic Violence Act.

2. Learned counsel for the petitioners would submit that the marriage between the first petitioner and the respondent has already been dissolved by a decree of divorce, and thereafter the instant application has been preferred by the respondent. Therefore, it is submitted that there is no shared household between the parties.

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 petitioners are aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for them to move the very same learned Magistrate, raising preliminary objections. The relevant observation of the 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



C.R.P.No.4355 of 2025

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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 quash the complaint.

4. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Consequently, connected civil miscellaneous petition is closed. The petitioners are at liberty to move the concerned learned Magistrate for getting appropriate remedy as per the law laid down in **Arul**



C.R.P.No.4355 of 2025

Daniel case.

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S.SOUNTHAR, J.

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

04.12.2025

cda

To

The District Munsif cum Judicial Magistrate,
Sendurai.

C.R.P.No.4355 of 2025



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C.R.P.No.4355 of 2025