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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

Civil Revision Petition No.2766 of 2023
and
CMP.Nos.17094 & 17096 of 2023

1.K.Ponalagi

2.K.Kalaivani

(Both are residing at
No.35, Anjugam Nagar,
2nd Cross Street, Kolathur,
Chennai-600 099.

... Petitioners/Respondents 2 & 3

Vs.

1. G.Megala,
No.12B, Andal Avenue,
Krishna Nagar,
Thiru-vi-ka Nagar,
Chennai – 600 011.

... 1st Respondent/Applicant

2.K.S.Raja @ Sornaraja
No.35, Anjugam Nagar,
2nd Cross Street, Kolathur,
Chennai – 600 099.

... 2nd Respondent/1st Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India 1950, praying to strike out the complaint dated Januray 30, 2023 given under Domestic Violence Act in D.V.C.No.19 of 2023 on the file of the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, with regard to the petitioners concern by allowing the Civil Revision Petition.

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For Petitioners : Mr.S.Lokesh
For Respondents : Served, No Appearance.

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India 1950, praying to strike out the complaint dated January 30, 2023 given under Domestic Violence Act in D.V.C.No.19 of 2023 pending on the file of the learned 'Metropolitan Magistrate, Additional Mahila Court', Egmore, Chennai (hereinafter referred as the 'Trial Court').

2. The Revision Petitioners herein are the Respondents 2 & 3 in D.V.C.No.19 of 2023. The first Respondent herein/Appellant is the wife of the second Respondent herein. The Revision Petitioners are the mother and sister of the second Respondent. There is no dispute with regard to the relationship between the parties.

3. At this juncture, this Court deems fit to cite the Full Bench Judgment of this Court in *Arul Daniel -vs- Suganya*, reported in **2022 SCC Online Mad 5435**, wherein it was held that resort to a revision petition under Article 227 of the Constitution of India to quash the



domestic violence proceedings should not be made unless the Judicial Magistrate has no inherent jurisdiction to entertain the Domestic Violence Case.

4. Coming back to the case on hand, as stated supra, the domestic relationship between the parties is admitted. Hence, in view of the averments made in the complaint, this Court is of the view that the learned Magistrate has jurisdiction to entertain the case. Therefore, in view of *Arul Daniel's Case*, this Civil Revision Petition is not maintainable. The Revision Petitioners are at liberty to file an application before the learned Magistrate concerned to strike out the complaint dated January 30, 2023 given under Domestic Violence Act in D.V.C.No.19 of 2023 and in such a scenario, the learned Magistrate shall decide the same on merits in accordance with law dehors this Order. If the said application is dismissed, the next remedy available to the Revision Petitioners is an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 and only over the Order passed therein, the Revision Petitioners can prefer a Civil Revision Petition by invoking Article 227 of the Constitution of India. Hence, this Civil Revision Petition is liable to dismissed.



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5. That apart, the learned Counsel for the Revision Petitioners prayed this Court to direct the learned Magistrate to dispense with the personal appearance of the Revision Petitioners before the learned Magistrate considering their age.

6. However, this Court is of the view that the presence of the Revision Petitioners is not necessary unless the learned Judicial Magistrate specifically directs them to appear. Hence, this Court directs the learned Judicial Magistrate not to insist on the presence of the Revision petitioners at each and every hearing except when their presence is deemed necessary for progress of the proceedings. In other words, the personal appearance of the revision petitioners before the learned Judicial Magistrate, hereby stands dispensed with, however, the learned Magistrate may order for their appearance when he/she deems fit and necessary.

7. Considering the age of the Revision Petitioners, the learned Judicial Magistrate is hereby directed to dispose of the case in DVC.No19 of 2023, expeditiously.



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8. With the above observations, this Civil Revision Petition is dismissed. In view of the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed.

04.12.2025

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To:

The Metropolitan Magistrate, Egmore, Chennai.



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R. SAKTHIVEL, J.

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