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C.R.P.(PD)NO.3205 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19/11/2025

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.3205 OF 2023
AND C.M.P.NOS.19741 & 19743 OF 2023

1.Yasar Arabhath

2.Gulabjan

3.Shamshad Begum

4.Sha Valiyullah Khan

5.Fathima

6.Javed Alikhan

7.Asha Begum

8.Najira Begum

9.Samdhani

... Petitioners/Respondents

Vs.

Y.Aminathul Asma

... Respondent/Complainant

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to call for the records pertaining to the petition in DVC.No.2 of 2023 pending on the file of the learned

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Judicial Magistrate, Perundurai as abuse of process of law and to strike off the name of the petitioners by allowing this Civil Revision Petition.

For Petitioners : Mr.M.Vignesh
For Respondent : Served – No appearance

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to call for the records pertaining to the petition in DVC.No.2 of 2023 pending on the file of the learned Judicial Magistrate, Perundurai as abuse of process of law and to strike off the name of the respondents.

2.The Revision Petitioners herein are the Respondents 1 to 9 in D.V.C.No.2 of 2023. The first Petitioner is the Husband of the Respondent, 2nd Petitioner is the Father-in-law, 3rd Petitioner is the Mother-in-law, 4th Petitioner is the 1st Brother-in-law, 5th Petitioner is the 1st Sister-in-law, 6th Petitioner is the 2nd Brother-in-law, 7th Petitioner is the 2nd Sister-in-law, 8th Petitioner is the 2nd Sister-in-law's Mother-in-law and 9th Petitioner is the 1st Sister-in-law's Mother-in-law of the 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 off the name of the respondents in D.V.C.No.2 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



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Article 227 of the Constitution of India. Hence, this Civil Revision Petition is liable to dismissed.

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.No.2 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.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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To

The Judicial Magistrate,
Perundurai.



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R. SAKTHIVEL, J.

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