



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 280 of 2024

1. S. Gopinath

S/o. C. shanmugam Achari, No.3/234

A, Thayappan Nagar, S. Pallipattu

Village, Tirupathur Tk and Dt.

Petitioner(s)

Vs

1. Shalini

D/o. Maharayar, No.62/42 B New

Street, Madaikarai, Viluppuram.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike of the complaint in DVC No.11 of 2019 on the file of the Additional Mahila Court, Villupuram.

For Petitioner(s): Mr. S.V.Karthikeyan



For Respondent(s): Mr.P.Munusami

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This Civil Revision Petition is filed seeking to strike off the complaint in DVC No.11 of 2019 on the file of Additional Mahila Court, Villupuram preferred by the respondent under the provision of the Domestic Violence Act.

2. The petitioner is husband of the respondent. The petitioner filed this civil revision petition, mainly on the ground that the allegations made in the above complaint are false and the same are made only to maintain the complaint.

3. Whether the averments made in the complaint are true or false is a matter for evidence and it cannot be considered in the revision proceedings. If the petitioner has got material objection with regard to the maintainability of the complaint, it is for him to go before the concerned Magistrate and seek remedy as per the law Laid down by the Full Bench of this court in ***Arul Daniel and Others Versus Suganya*** reported in (2022) SCC Online Mad 5435. The relevant observation of Full Bench reads as follows:-



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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. It is seen from the remarks submitted by the learned Judicial Magistrate, Additional Mahila Court, Villupuram that the petitioner was set exparte as early as on 22.07.2019 and thereafter, an application was filed by the petitioner to set aside said exparte order. The said application was dismissed, as the petitioner failed to comply with the condition imposed by the learned Magistrate to set aside the exparte order. It is further stated in the remarks that the matter is posted to 24.11.2025 for recording evidence of PWs. In such circumstances, this court is not inclined to exercise its Supervisory Power available under Article 227 of Constitution of India to strike off the complaint and it is for the petitioner to work out the remedy before the concerned Magistrate, in the manner known to law as per the law laid down in *Arul Daniel case*.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs.

17. 11. 2025

Internet: yes



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Index: Yes/No

Neutral citation: Yes/No

MST

To

The Judicial Magistrate,
Additional Mahila Court,
Villupuram.



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S.SOUNTHAR J.

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