



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 3234 of 2025 and
CMP Nos.17894 and 17896 of 2025**

1. SAKTHIVEL

S/o. Thasan, No.1382, North
Kattukottai, Pekkadu, Nainarpalayam,
Kallakurichi District-606 301

2. Thasan

S/o. Ramachandran, NO.1286/4,
Kottukottai, Nainarpalayam,
Kallakurichi District-606 301

3. Ponnammal

W/o. Thasan, Pekkadu, Nainarpalayam,
Kallakurichi District-606 301

4. Rajamani

W/o. Bojan, No.40, Roja Nagar
Pekkadu, Nainarpalayam, Kallakurichi
District-606 301

5. Rukkumani

W/o. Kandasamy, Pekkadu,
Nainarpalayam, Kallakurichi
District-606 301

6. Elumalai

S/o. Dasan, Pekkadu, Nainarpalayam,
Kallakurichi-606 301

7. Maheshwari

W/o. elumalai, Pekkadu,
Nainarpalayam, Kallakurichi-606 301



8. Chinnadurai
S/o. Dasan, No.1382-b, Gandhi Nagar,
Pekkadu, Nainarpalayam,
Kallakurichi-606 301

9. Vendamani
W/o. chinnadurai, No.1382-B, Gandhi
Nagar, Pekkadu, Nainarpalayam,
Kallakurichi-606 301

10. Manivel
s/o. Dasan, Pekkadu, Nainarpalayam,
Kallakurichi-606 301

11. Nithya Pojan
D/o. Bojan, No.3/224, Kattukottai,
Veppampooni Post, Gangavalli Taluk,
Salem-636101

Petitioner(s)

Vs

1. RAJESHWARI
W/o. Sakthivel, D/o. Kandhan, No.579,
Mariamman Kovil Street, Korattur
Koovagam, Ulundurpet Taluk,
Villupuram District

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records and quash the proceedings in DVC.No.6/2025 pending on the file of the Judicial Magistrate-II, Ulundurpet.

For Petitioner(s): Mr. D.Ashokkumar

For Respondent(s): Mr.K.Uthayanithi

ORDER

This civil revision petition is filed seeking to quash the complaint preferred by the respondent against the petitioners under the provisions of the Domestic Violence Act.



2. The first petitioner is husband of the respondent and the other petitioners are family members of the first petitioner.

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3. The learned counsel for the petitioners would submit that the respondent/wife has not made any specific allegations against the petitioners 2 to 11 and hence, the Magistrate ought not to have issued process against them.

4. 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 Magistrate raising preliminary issues.

The relevant observation of 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 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 strike off the complaint.

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

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

03.12.2025

Internet: yes
Index: Yes/No
Neutral citation: Yes/No
MST



To

The Judicial Magistrate-II, Ulundurpet.

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