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CRP No.231 of 2



DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 231 of 2025

CMP No.1544 of 2025

Ms. Saranya

(Cause title accepted vide order dated 07.01.2025
made in CMP No.30048 of 2024 in
CRP Sr 111303 of 2024)

.. Petitioner(s)

Vs.

1 . T.D.Yamini

R. Sudhakar (died)

2 . Radhakrishnan

3 . Anushya

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike down the proceedings in DVC No.3 of 2023 on the file of the learned Judicial Magistrate No.II, Ponneri.



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For Petitioner(s): Mr.Prashanth Nadaraj B

For Respondent(s) Mr.R.Krishnaswamy for R1

No apperance for R2 and R3.

This Civil Revision Petition is filed seeking to strike off the complaint preferred by first respondent/wife on the file of Judicial Magistrate No.II, Ponneri.

2. The petitioner herein is sister in-law of the first respondent. The first respondent is wife of R.Sudhakar (died) and she filed the above said complaint against the said R.Sudhakar, petitioner, and the respondents 2 and 3/parents in-law, under the provisions of Domestic Violence Act.

3. The learned counsel for the petitioner submits that the petitioner is sister in-law of the first respondent and she is residing at U.K. and hence, there is no shared house hold. He further submitted that, the averments made in the complaint are false and the same are not sufficient to take cognizance by the Magistrate under the provisions of Domestic Violence Act as against the



petitioner.

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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 petitioner is aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for her to move the very same Magistrate, raising preliminary objections, like absence of shared house hold, domestic violence, etc. 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 petition is closed. The petitioner is at liberty to move the concerned Magistrate for getting appropriate remedy as per the 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 petitioner during enquiry before Magistrate is dispensed with, unless her personal appearance is absolutely necessary.

19. 11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Judicial Magistrate No.II,
Ponneri.



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S.SOUNTHAR J.

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