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C.R.P.No.3216 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3216 of 2025
and C.M.P.No.17849 of 2025

1. Nagarajan,
S/o.Pichaiyan

2. Santhi,
W/o.Pichaiyan

3. Pichaiyan,
S/o.Gopalsamy

4. Jayasudha,
W/o.Guru

... Petitioners

vs.

1. Sudha,
W/o.Nagarajan

2. Minor Divyatheha
D/o.Nagarajan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the proceedings in



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D.V.C.No.50 of 2024 on the file of the Judicial Magistrate No.1,
Mannargudi and struck off the same and allow the civil revision petition.

For Petitioners : Mr.D.Veerasekharan

For Respondents : Mr. P.Thiagarajan

ORDER

This Civil Revision Petition is filed seeking to quash the complaint preferred by the first respondent against the petitioners under the provisions of the Protection of Women from Domestic Violence Act, 2005 pending on the file of the Judicial Magistrate No.1, Mannargudi.

2. The learned counsel for the petitioner would submit that the averments contained in the complaint preferred by the first respondent did not disclose any specific overt act against the petitioners and therefore, the Magistrate ought not to have issued the process.

3. The Full Bench of this Court in the case of *Arul Daniel and Others Versus Suganya* reported in (2022) SCC Online Mad 5435 held that any person aggrieved by the process issued by the Judicial Magistrate



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can go before the very same Judicial Magistrate and raise preliminary

objections with regard to the issues like existence of a shared

household/domestic relationship etc. If any order is passed, the aggrieved

person can also take recourse to an appeal under Section 29 of the

Protection of Women from Domestic Violence Act, 2005. The relevant

portion 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



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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. In view of the categorical pronouncement of law by the Full Bench of this Court that a person aggrieved by issuance of process can very well approach the concerned Judicial Magistrate raising preliminary issues and hence, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India. When petitioner has remedy before regular Magistrate, as held by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society*** reported in ***MANU/SC/1365/2019***, this Court need not exercise its supervisory jurisdiction.

5. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to approach the very same Judicial Magistrate namely



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Judicial Magistrate No.I, Mannargudi, raising preliminary issues. If any

such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioner is raised, the Judicial Magistrate shall consider the same and dispose of the same as expeditiously as possible. Taking into consideration the allegations made in the complaint, personal appearance of the petitioners is dispensed with before the learned Judicial Magistrate No.1, Mannargudi, unless their personal appearance is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

mp

To

1. The Judicial Magistrate No.1,
Mannargudi

2. V.R.Section,
High Court of Madras.



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S.SOUNTHAR, J.

mp

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