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CRP No.4317 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 4317 of 2025 and
CMP Nos.22141 and 22143 of 2025**

1. Jayalakshmi

W/o. Viswanathan, No.6/30, LIC
Colony, Collage Road, Tiruppur.

2. K.S. Viswanathan

S/o. Subramaniam, No.6/30, LIC
Colony. College Road, Tiruppur.

3. Viswa Vikram

S/o. Viswanathan, No.6/30, LIC
Colony. College Road, Tiruppur.

Petitioner(s)

Vs

1. Sindhu Gowthami

D/o. Late. Sundaralingam, No.14,
Annamalaiveethi, Zamin Uthukuli,
Pollachi Taluk, Coimbatore Dt.

2. Vijayaraja

S/o. Visvanathan, No.6/30, LIC Colony,
College Road, Tiruppur. SINDHU
GOWTHAMI

Respondent(s)



PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike the Complaint in DVC No.22 of 2025 pending on the file of the learned Judicial Magistrate Court No.II Pollachi at Coimbatore District as against the Petitioners as it is without jurisdiction.

For Petitioner(s): Mr. S Magesh Kumar

For Respondent(s): Not ready for notice

ORDER

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

2. The 1st and 2nd petitioners are parents in-law and the 3rd petitioner is brother in-law of the first respondent and the 2nd respondent is husband of the first respondent. The first respondent preferred a complaint in DVC No.22 of 2025 against the petitioners and the 2nd respondent. The learned counsel for the petitioners would submit that the petitioners have never lived in a shared



household with the first respondent and therefore, the complaint made by the first respondent is not maintainable.

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3. 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 objections like absence of shared household, 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*



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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.

4. 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**.

5. 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



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personal appearance is absolutely necessary.

03.12.2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Judicial Magistrate-II, Pollachi at Coimbatore



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S.SOUNTHAR, J.

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