



C.R.P.No.3612 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3612 of 2025

and

C.M.P.Nos.19440 and 19442 of 2025

1. Subramaniam

2. Dhanabackiyam

3. Sudha

... Petitioners

vs.

1. Gowthami

2. Baskar Raj

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to quash the complaint against the petitioners pending before the learned Judicial Magistrate Court-II, Pollachi in D.V.A.No.42 of 2024.

For Petitioners : Mr.M.N.Balakrishnan

For Respondents : Mr.R.Siva (for R1)
R-2 Served - No appearance



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ORDER

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The Civil Revision Petition is filed seeking to quash the complaint preferred by the first respondent/wife against the petitioners and the second respondent under the provisions of Protection of Women from Domestic Violence Act, 2005 in D.V.A.No.42 of 2024 on the file of the Judicial Magistrate Court-II, Pollachi.

2. The petitioners are parents-in-law and sister-in-law of the first respondent.

3. The learned counsel for the petitioners would submit that there are no specific allegations against the petitioners connecting them with any incident of domestic violence. Therefore, the learned Magistrate-II, Pollachi, ought not to have issued process against the petitioners and the second respondent.

4. 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 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 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.”



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5. 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 petitioners have 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.

6. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners and the second respondent to approach the very same Judicial Magistrate Court-II, Pollachi raising preliminary issues. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioners and the second respondent is raised, the Judicial Magistrate Court-II, Pollachi shall consider and dispose of the same as expeditiously as possible.



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7. The complaint preferred by the first respondent seeking various orders under Sections 12, 18, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005, are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioners and the second respondent before the Judicial Magistrate Court-II, Pollachi, unless their presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petitions are closed.

12.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Judicial Magistrate Court-II, Pollachi.



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S.SOUNTHAR, J.

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