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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.R.P.No.3466 of 2023

and

C.M.P.Nos.21511 & 21513 of 2023

1. D.Sudhakar,

Old No.54, New No.6, Naidu Street,

4th Lane, Kottur, Chennai – 600 085.

2. S.Aarthi,

Old No.54, New No.6, Naidu Street,

4th Lane, Kottur, Chennai – 600 085.

... Petitioners/Respondents

Vs.

R.Latha,

Old No.54, New No.6, Naidu Street,

4th Lane, Kottur, Chennai – 600 085.

... Respondent/ Petitioner

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India 1950, praying to struck of the complaint pertaining to D.V.C.No.51 of 2023 pending on the file of the learned IX Metropolitan

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Magistrate Court at Saidapet, Chennai and strike out the name of the Petitioners and the same as abuse process of law and by allowing the present Civil Revision Petition.

For Petitioners : Mr.K.Shyam Sunder
For Respondents : Mr.M.Muraliragul.
(Vakalat not filed).

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India 1950, praying to strike out the complaint dated January 25, 2023 given under Domestic Violence Act in D.V.C.No.51 of 2023 pending on the file of the learned 'IX Metropolitan Magistrate Court at Saidapet, Chennai' (hereinafter referred to as the 'Trial Court') and strike out the name of the Revision Petitioners.

2. The Revision Petitioners herein are the Respondents in D.V.C.No.51 of 2023. The Respondent herein/Petitioner is the brother's wife of the first Revision Petitioner herein. The Revision Petitioners are the brother-in-law and co-sister of the Respondent. There is no dispute with regard to the relationship between the parties.

3. At this juncture, this Court deems fit to cite the Full Bench



Judgment of this Court in *Arul Daniel -vs- Suganya*, reported in **2022**

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SCC Online Mad 5435, wherein it was held that resort to a revision petition under Article 227 of the Constitution of India to quash the domestic violence proceedings should not be made unless the Judicial Magistrate has no inherent jurisdiction to entertain the Domestic Violence Case.

4. Coming back to the case on hand, as stated supra, the domestic relationship between the parties is admitted. Hence, in view of the averments made in the complaint, this Court is of the view that the learned Magistrate has jurisdiction to entertain the case. Therefore, in view of *Arul Daniel's Case*, this Civil Revision Petition is not maintainable. The Revision Petitioners are at liberty to file an application before the learned Magistrate concerned to strike of the complaint pertaining to D.V.C.No.51 of 2023 pending on the file of the learned IX Metropolitan Magistrate Court at Saidapet, Chennai and strike out the name of the Petitioners and in such a scenario, the learned Magistrate shall decide the same on merits in accordance with law dehors this Order. If the said application is dismissed, the next remedy available to the Revision Petitioners is an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005



and only over the Order passed therein, the Revision Petitioners can prefer

a Civil Revision Petition by invoking Article 227 of the Constitution of India. Hence, this Civil Revision Petition is liable to be dismissed.

5. That apart, the learned Counsel for the Revision Petitioners prayed this Court to direct the learned Magistrate to dispense with the personal appearance of the Revision Petitioners before the learned Magistrate considering their age.

6. However, this Court is of the view that the presence of the Revision Petitioners is not necessary unless the learned Judicial Magistrate specifically directs them to appear. Hence, this Court directs the learned Judicial Magistrate not to insist on the presence of the Revision Petitioners at each and every hearing except when their presence is deemed necessary for progress of the proceedings. In other words, the personal appearance of the Revision Petitioners before the learned Judicial Magistrate, hereby stands dispensed with, however, the learned Magistrate may order for their appearance when he/she deems fit and necessary.



7. Considering the age of the Revision Petitioners, the learned Judicial Magistrate is hereby directed to dispose of the case in DVC.No51 of 2023, expeditiously.

8. With the above observations, this Civil Revision Petition is dismissed. In view of the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed.

11.12.2025

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To:

1. The IX Metropolitan Magistrate Court at Saidapet, Chennai.
2. The Section Officer,
V.R.Section,
High Court of Madras.



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R. SAKTHIVEL, J.

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