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CRP.No.3517 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3517 of 2025 and
CMP.Nos.19002 and 19003 of 2025

1.Prakash
2.Sivagami

... Petitioners

Vs.

1.Sharmila Devi
2.Esther
3.Girija

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to strike off the application in DVC.No.8 of 2025 pending on the file of the Judicial Magistrate, Mahila Court, Magisterial Level, Pondicherry so far as the petitioners are concerned.

For Petitioners : Mr.I.Pradadeesh

For Respondents :M/s.G.Ezhil Balaji for R1
No such person for R2 and R3



ORDER

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The Civil Revision Petition is filed to strike off the complaint preferred by 1st respondent against the petitioners under the provisions of Domestic Violence Act.

2. The petitioners are the husband and mother-in-law of the first respondent.

3. The learned counsel for the petitioners would submit that the first respondent filed the above complaint with false allegations, just to take vengeance against the petitioners.

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 Magistrate can go before the very same 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 Domestic Violence Act. 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.*

5. In view of the availability of alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, the



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Hon'ble Apex Court in the case of *Virudhunagar Nadargal Dharma*

Paripalana Shabha Vs Tuticorin Educational Society reported in

MANU/SC/1365/2019 held that availability of alternative remedy before regular Courts, is near total bar for exercise of supervisory power by High Court. Hence, I am not inclined to interfere in revision.

6. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioners to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in *Arul Daniel* case cited supra.

7. The complaint preferred by the 1st respondent seeking relief orders under Section 12 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 before the Judicial Magistrate, Mahila Court, Magisterial Level, Pondicherry, unless their presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

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To

The Judicial Magistrate, Mahila Court,
Magisterial Level, Pondicherry.



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S.SOUNTHAR, J.

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