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CRP.No.3565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3962 of 2024 and
CMP.No.21700 of 2024

1.N.Anbarasan
2.A.Arivukodi

... Petitioners

Vs.

1.Vijayalakshime
2.A.Bala Vengatesh

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to call for the records pertaining to DVC.No.2 of 2024, pending on the file of the Judicial Magistrate No.II, Hosur and strike off the name of the petitioners.

For Respondents

: M/s.R.Poornima for R1
No Appearance for R2



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ORDER

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

2. The petitioners are parents-in-law of the 1st respondent. It is the case of the petitioners that the allegations made against the petitioners are omnibus and the same are not sufficient to issue process against them.

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 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.*

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



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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.

5. 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.

6. Considering the fact that the petitioners are parents-in-law of the 1st respondent/complainant, this Court is inclined to dispense with their personal appearance before the learned Magistrate unless their personal appearance is absolutely necessary. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

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To
The Judicial Magistrate No.II,
Hosur.



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S.SOUNTHAR, J.

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