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C.R.P.Nos.4095 & 4096 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.Nos.4095 & 4096 of 2025

and

C.M.P.Nos.21157, 21162 & 21164 of 2025

1. Venkat Raman,
B/o. Ramprasath
2. Madhava Kannan,
B/o. Ramprasath

... Petitioners in CRP.No.4095/2025

1. R.V.Karunanithi,
F/o.K.Ramprasath
2. K.Malathi,
W/o.R.V.Karunanithi

... Petitioners in CRP.No.4096/2025
vs.

1. Bhargavi Raajah,
2. K.Ramprasath,
S/o.R.V.Karunanithi
3. R.V.Karunanithi
F/o.K.Ramprasath
4. K.Malathi,
W/o.R.V.Karunanithi

... Respondents in CRP.No.4095/2025

1. Bhargavi Raajah,
2. K.Ramprasath,
S/o.R.V.Karunanithi,
3. Venkat Raman,
B/o.Ramprasath
4. Madhava Kannan,
B/o. Ramprasath

... Respondents in CRP.No.4096/2025



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PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India, to call for records relating to D.V.C.No.75 of 2025 on the file of the Hon'ble IX Metropolitan Magistrate, Saidapet and quash the same.

For Petitioners : Mr.A.Ilayaperumal
[in both CRPs.]

For Respondents : Mr.S.Arivazhagan [R1]
[in both CRPs.] R2 to R4 [No appearance]

COMMON ORDER

These Civil Revision Petitions are filed seeking to quash the complaint preferred by the first respondent against the petitioners and other respondents under the provisions of the Protection of Women from Domestic Violence Act, 2005 pending on the file of the IX Metropolitan Magistrate, Saidapet.

2. The learned counsel appearing for the petitioners by taking this Court to the allegations made in the complaint preferred by the first respondent would submit that the allegations are very vague in nature. He also submitted that based on these allegations, the Magistrate ought not have issued process against the petitioners.



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 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



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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 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 petitioner has 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.

5. Accordingly, these Civil Revision Petitions are dismissed with liberty to the petitioner to approach the very same Judicial Magistrate viz., IX Metropolitan Magistrate, Saidapet raising preliminary issues. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioners is raised, the Judicial Magistrate shall consider the same and dispose of the same as expeditiously as possible. Taking into consideration the allegations made

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in the complaint, the personal appearance of the petitioners is dispensed with before the IX Metropolitan Magistrate, Saidapet, unless their personal appearance is absolutely necessary. No costs. Consequently, connected civil miscellaneous petitions are closed.

18.12.2025

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

To

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



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S.SOUNTHAR, J.

mp

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