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C.R.P.No.5277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5277 of 2025

and

C.M.P.Nos.26506 and 26507 of 2025

D.Naveen Kumar

... Petitioner

Vs.

Anmol Sachin

... Respondent

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, to quash the proceedings in D.V.C.No.34 of 2025 on the file of the Additional Mahila Court, Egmore, Chennai.

For Petitioner : Mr.R.Rajadurai

ORDER

This Civil Revision Petition is filed seeking to quash the complaint preferred by the respondent under the provisions of the Protection of Women from Domestic Violence Act, 2005 [hereinafter referred to as 'the Act'].



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2. The learned counsel for the petitioner submits that no domestic violence incidents had taken place as alleged by the respondent and therefore, the complaint filed by the respondent herein under the provisions of Domestic Violence Act need to be quashed.

3. A Full Bench of this Court in the case of *Arun Daniel and Others v. Suganya* reported in *2022 SSC Online Mad 5435*, held that a party aggrieved by the issuance of process by the Magistrate in Domestic Violence Act, can approach the very same Magistrate seeking to delete him/her from array of parties by filing an application raising preliminary issues like absence of shared household or domestic violence. If any order is passed in such application, aggrieved party can file an appeal before the Sessions Court by invoking Section 29 of the Act.

4. In view of the law laid down by the Full Bench of this Court, the petitioner can very well move the Magistrate seeking deletion of his name from the array of the parties. Hence, this Court is not inclined to exercise its supervisory jury power under Article 226 of the Constitution of India as held by the Hon'ble Apex Court in the case of *Virudhunagar*



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Nadargal Dharma Paripalana Shabha Vs. Tuticorin Educational

Society reported in *MANU/SC/1365/2019*.

5. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

6. Since the petition filed under Section 12 of the Act is predominantly civil in nature, the presence of the petitioner is not at all required during all the hearings. Hence, the presence of the petitioner is dispensed with, unless his presence is essentially required before the Court below.

03.11.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

The Additional Mahila Court,
Egmore, Chennai.



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S.SOUNTHAR, J.

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