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CRP No.1549 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No.1549 of 2024

1. Mariyadoss
2. M.Sakayamary
3. John Joseph

... Petitioners

Vs.

1. R.Akshaya
2. M.Christopher

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the names of the petitioners herein relating to the complaint in DV.No.18 of 2023 on the file of the Judicial Magistrate at Ambattur.

For Petitioners: Mr.V.Nicholas

For R1 Mr.V.Sundarraman

ORDER

This civil revision petition is filed seeking to strike off the complaint in DVC No.18 of 2023 preferred by the 1st respondent as against the petitioners under the provisions of the Domestic Violence Act.



2. The petitioners 1 and 2 are parents in-law and the 3rd petitioner is brother in-law of the first respondent and she filed the above said complaint against the petitioners and the 2nd respondent.

3. Learned counsel for the petitioners would submit that the 1st respondent preferred the complaint just to harass the petitioners and the averments made in the complaint are not sufficient to invoke the provisions of the Domestic Violence Act.

4. In view of the Law settled by this Court in ***Arul Daniel and Others Versus Suganya*** reported in (2022) SCC Online Mad 5435, if the petitioners are aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for them to move the very same Magistrate raising preliminary issues. The relevant observation of Full Bench 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*



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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.

Hence, this court is not inclined to exercise its Supervisory Power available under Article 227 of Constitution of India to strike off the complaint.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. The petitioners are at liberty to move the concerned Magistrate for getting appropriate remedy as per law laid down in **Arul Daniel case.**

6. Taking into consideration the proceedings initiated before learned Magistrate is predominantly civil in nature, the personal appearance of the petitioners during enquiry before Magistrate is dispensed with, unless their personal appearance is absolutely necessary.

11.12.2025

Internet: Yes

Index: Yes/no

Neutral Citation: Yes/no

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S.SOUNTHAR, J.

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To

The Judicial Magistrate, Ambattur

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