



CRP.No.4184 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4184 of 2025
and CMP.No.21501 of 2025

1.V.Ganesan
S/o.Velu,
No.5/691, 5th Street, Transport Nagar, Kunnur Post,
Krishnan Koil, Vathirairuppu Taluk,
Virudhunagar District – 626 138.

2.Samuthira Lakshmi
W/o. Ganesan,
No.5/691, 5th Street, Transport Nagar, Kunnur Post,
Krishnan Koil, Vathirairuppu Taluk,
Virudhunagar District – 626 138.

Petitioner(s)

Vs

1.Divya
W/o.G.Vignesh, D/o.Pushparaj,
No.3/18, Ram Nagar, 2nd Main Raod,
Perambur, Chennai – 600 082.

2.G.Vignesh
S/o.Ganesan,
No.5/691, 5th Street, Transport Nagar, Kunnur
Post, Krishnan Koil, Vathirairuppu Taluk,
Virudhunagar District – 626 138.



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Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the case in D.V.C.No.86 of 2024 on the file of the Additional Mahila Court, Egmore at Chennai.

For Petitioner(s) : Mr.T.Balachandran

For R1 : Mr.N.Vijaya Basker
for Mr.B.Keerthivasan

ORDER

This petition has been filed to strike off the case in D.V.C.No.86 of 2024 on the file of the Additional Mahila Court, Egmore at Chennai.

2. It is the case of the revision petitioners that the marriage between their son Vignesh/second respondent and Divya/first respondent was solemnized on 20.05.2018 in the presence of the family members on either side and from June 2018, they started their matrimonial life in Velacherry, Chennai; through the wedlock, they begot a male child viz. Ridhivik on 17.05.2021 and the entire maternity expense has been spent by their son Vignesh/second respondent; while so, Divya/first respondent has permanently stayed at her parental home without any property reason and refused to live



with their son; they attempted for reunion through discussions with elders, but, in vain; therefore, their son Vignesh/second respondent sent a legal notice for divorce; since there was no reply from Divya/first respondent, Vignesh/second respondent filed a petition for divorce before the Subordinate Court, Srivilliputhur and the same is pending in H.M.O.P.No.154 of 2023; as a counter blast, Divya/first respondent filed a petition for restitution of conjugal rights before the VI Additional Family Court, Chennai and the same is pending in H.M.O.P.No.3826 of 2023; while the above matrimonial cases were pending, Divya/first respondent, intentionally in order to harass them, has impleaded them in D.V.C.No.86 of 2024 on the file of the Additional Mahila Court, Egmore at Chennai, challenging which, they have preferred the present civil revision petition with the above prayer.

3. The learned counsel appearing for the revision petitioners would submit that Court below has mechanically issued summons to the revision petitioners, who are wantonly implicated in the case on the vague and bald allegation of Divya/first respondent. He would further submit that the first and second revision petitioners are father-in-law and mother-in-law of Divya/first respondent, respectively and they are senior citizens. Further, he



would submit that after marriage, the revision petitioner's son and daughter-in-law lived separately and there is no chance of cruelty made by the revision petitioners. He would further submit that the revision petitioners never demanded any dowry from Divya/first respondent and the same allegation is fully fabricated. Therefore, he would submit that there is no case made out against the revision petitioners in D.V.C. proceedings and hence, the same has to be struck off.

4. *Per contra*, the learned counsel appearing for Divya/first respondent would submit that *prima facie* case has been made out and sufficient materials are available as against the revision petitioners.

5. It is to be noted that the issue involved in this case is no more *res integra* in view of the Full Bench decision of this Court in the case of ***Arul Daniel v. Suganya [(2022) 4 MLJ (Crl.) 561]***, wherein, while considering the maintainability of the civil revision petition under Article 227 of the Constitution of India challenging the initiation of proceedings under Domestic Violence Act, the Full Bench of this Court observed as follows:

“76..... 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.”

6. In light of the aforecited Full Bench decision of this Court in **Arul Daniel case** (*supra*), the revision petitioners are at liberty to move the Court concerned and raise the issue of maintainability and other preliminary



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issues. Accordingly, the revision petitioners are granted liberty to put forth all the points raised by them in this revision before the Court concerned.

The civil revision petition stands dismissed with the above liberty. No costs. Connected C.M.P. is closed.

16.10.2025

nsd

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No



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To

The Additional Mahila Judge,
Egmore at Chennai



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M. JOTHIRAMAN, J.

nsd

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