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C.R.P.No.4949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.No.4949 of 2025

and

C.M.P.No.25023 of 2025

1.S.Fathima

2.H.Shahul Hameed

...Petitioners

-Vs-

1.Naseeba

2.Farid Ahamed

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to call for the records relating to the proceedings in DVC.No.84 of 2024 pending on the file of the learned Additional Mahila Judicial Magistrate, Salem, and quash the same as against the petitioners and pass such further orders.

For Petitioners : Mr.S.Conscious Ilango

For R2 : Mr.S.Sathish

ORDER

This civil revision petition is filed seeking to quash the complaint in DVC.No.84 of 2024 pending on the file of the learned Additional Mahila



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Judicial Magistrate, Salem, preferred by the first respondent against the petitioners under the provisions of the Domestic Violence Act.

2. Learned counsel for the petitioners would submit that the allegations made in the complaint preferred by the first respondent are very vague and hence, the learned Magistrate ought not to have issued process to the petitioners.

3. 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 learned Magistrate, raising preliminary objections. The relevant observation of the 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.



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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.”

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

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



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S.SOUNTHAR, J.

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

04.12.2025

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To

The Additional Mahila Judicial Magistrate,
Salem.

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