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CRP No.1435 of 2



DATED: 05-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 1435 of 2024 and
CMP Nos.7693 and 7694 of 2024**

1. KALIYAPERUMAL

S/o. Vadivel No.52, Pavazaha Nagar,
Oulgaret, Villianur Road,
Puducherry.

2. Vanaja

W/o. Kaliyaperumal No.52, Pavazaha
Nagar, Oulgaret, Villianur Road,
Puducherry.

Petitioner(s)

Vs

1. R.Soubatra

W/o. Ramakrouchenane, No.15,
4th Cross Street, Rainbow Nagar,
Puducherry

2.RAMAKROUCHENANE

S/o. Kaliyaperumal No.52,
Pavazaha Nagar, Oulgaret,
Villianur Road, Puducherry.

3.GAJALAKSHMI

D/o. Kaliyaperumal No.52,
Pavazaha Nagar, Oulgaret,



Villianur Road, Puducherry.

CRP No.1435 of 2023



Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to To call for the records relating to the complaint in D.V.C. No. 66 of 2023 on the file of the Learned Judicial Magistrate III Puducherry and quash the same by allowing this CRP.

For Petitioner(s): Mr.J.Aravind

For Respondent(s): Mr.D.Baskar for R1

ORDER

This civil revision petition is filed seeking to quash the complaint preferred by the first respondent under the provisions of the Domestic Violence Act.

2. The petitioners herein are parents in-law and the 2nd respondent is husband of the first respondent. The third respondent herein is daughter of petitioners. The first respondent preferred a complaint in DVC No.66 of 2023 against the petitioners and the respondents 2 and 3.



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3. It is the case of the petitioners that they never lived in a shared household with the first respondent and therefore, the Magistrate ought not to have issued process to the petitioners.

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 objections like absence of shared household, domestic violence, etc. 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.*



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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 strike off the complaint.

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



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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.

05.12.2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Judicial Magistrate-III, Puducherry.



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