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CRP.No.5255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5255 of 2025 and
CMP.No.26453 and 26456 of 2025

1. T.Hemalatha
2. Radhakamalam
- 3.Gururajan

... Petitioners

Vs.

1. Suganya
2. Minor.Saransanjeev
- 3.Murugarajan

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to call for the records pertaining to DVC.No.8 of 2025 on the file of the Learned Judicial Magistrate Court, Sirkazhi, Mayiladuthurai District and strike off the same, in so far as petitioners are concerned.

For Petitioner : Mr.M.Vijaya Ragavan

ORDER



The Civil Revision Petition is filed to strike off the complaint preferred by 1st respondent under the provisions of Domestic Violence Act.

2. The Full Bench of this Court in the case of ***Arul Daniel and Others Versus Suganya*** reported in (2022) SCC Online Mad 5435 held that any person aggrieved by the process issued by the Magistrate can go before the very same Magistrate and raise preliminary objections with regard to the issues like existence of a shared household/ domestic relationship etc., If any order is passed, the aggrieved person can also take recourse to an appeal under Section 29 of the Domestic Violence Act. The relevant portion 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 relationship etc., which form the jurisdictional basis for entertaining an*



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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.

3. In view of the availability of alternative remedy to the petitioners before the Sessions Court under Section 29 of the Domestic Violence Act, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India as held by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society*** reported in ***MANU/SC/1365/2019***.

4. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioners to avail alternative remedy available under Section 29 of Domestic Violence Act.

5. Considering the fact that the petitioners are mother-in-law, brother-in-



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law and sister-in-law of the 1st respondent/complainant, their personal appearance is dispensed with unless it is essential before the learned Magistrate. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No
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To

The learned Judicial Magistrate Court, Sirkazhi, Mayiladuthurai District

S.SOUNTHAR, J.

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