



C.R.P.No.5287 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5287 of 2025

and

C.M.P.Nos.26570 and 26572 of 2025

1. Moorthy
 2. Subbulakshmi
 3. Kavitha
- ... Petitioners

Vs.

1. Sowmiya
 2. Minor Sivanya
rep.by her mother next friend Sowmiya
 3. Senthilkumar
- ... Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, to strike off the name of the petitioners in D.V.C.No.3 of 2025 pending on the file of the Judicial Magistrate No.1, Gobichettipalayam as abuse of process of law and by allowing the present Civil Revision Petition.

For Petitioners : Mr.C.S.Saravanan

ORDER

This Civil Revision Petition is filed seeking a direction to the Court below to strike-off the complaint preferred by the respondents under the provisions of the Protection of Women from Domestic Violence Act,



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2005 [hereinafter referred to as 'the Act'].

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2. The learned counsel for the petitioners submits that petitioners 1 and 2 are parents-in-laws and the third petitioner is the sister-in-law of the first respondent/complainant and they are not involved in any kind of domestic violence as alleged in the complaint.

3. A Full Bench of this Court in the case of *Arun Daniel and Others v. Suganya* reported in *2022 SSC Online Mad 5435*, held that a party aggrieved by the issuance of process by the Magistrate in Domestic Violence Act, can approach the very same Magistrate seeking to delete him from array of parties by invoking Section 25 of the Act. If any order is passed in such application, aggrieved party can file an appeal before the Sessions Court by invoking Section 29 of the Act.

4. In view of the full availability of alternative remedy to the petitioners before the Sessions Court under Section 29 of the Act, this Court is not inclined to exercise its supervisory jury power under Article 226 of the Constitution of India, as held by the Hon'ble Apex Court in the case of *Virudhunagar Nadargal Dharma Paripalana Shabha Vs.*



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Tuticorin Educational Society reported in ***MANU/SC/1365/2019***.

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5. Accordingly, this Civil Revision Petition stands dismissed with liberty to the petitioners to avail alternative remedy available under Section 29 of the Act as stated above. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

6. Taking into consideration the fact that petitioners 1 and 2 are senior citizens and the third respondent is the sister-in-law of the complainant said to be residing away from the matrimonial home of the complainant, this Court is inclined to dispense with the personal appearance of the petitioners, unless their presence is essentially required before the Court below.

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Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
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To

The Judicial Magistrate No.1,
Gobichettipalayam.



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S.SOUNTHAR, J.

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