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CRP.No.5447 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5447 of 2025 and
CMP.No.27368 and 27370 of 2025

1.R.Gopalakrishnan
2.R.Govindammal
3.K.Rajendran
4. A.Bhuvaneshwari
5.P.Anbu

... Petitioners

Vs.

1.Mrs.Kanaga
2. Minor Ajay Krishna
3. Minor Arish Krishna
(Minors 2 and 3 are represented by their
mother and natural guardian Mrs.Kanaga)

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying, to quash the entire proceedings in DVC.No. 20/2025 on the file of the
Judicial Magistrate Court No.1, Mayiladuthurai and thus render justice.

For Petitioners : M/s.P.Dhananjayan

**ORDER**

The Civil Revision Petition has been filed challenging the complaint preferred by the respondents under the provisions of the Domestic Violence Act on the ground that the marriage between the first petitioner and the first respondent had taken place in the year 2013 and the present complaint has been preferred after a period of 12 years. It is also stated that respondents 4 and 5 are residing elsewhere and they are not at all involved in any kind of domestic relationship with the first respondent.

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*



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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.

3. In view of the availability of alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise



supervisory power under Article 227 of the Constitution of India. The Hon'ble Apex Court in the case of *Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society* reported in *MANU/SC/1365/2019* held that availability of alternative remedy before regular Courts, is near total bar for exercise of supervisory power by High Court. Hence, I am not inclined to interfere in revision.

4. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioners to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in *Arul Daniel* case cited supra.

5. Taking into consideration the petitioners 2 and 3 are senior citizens aged about 64 years and 66 years, the petitioners 4 and 5 are only sister-in-law and the husband of the sister-in-law of the first respondent, this Court is inclined to dispense with the personal appearance of petitioners 2 to 5 before the learned Magistrate unless their personal appearance is absolutely necessary. Accordingly, the CMP.No.27370 of 2025 is ordered and connected CMP.No.27368 of 2025 is closed. No costs.



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To

The Judicial Magistrate Court No.1, Mayiladuthurai

S.SOUNTHAR, J.

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