



WEB COPY



CRP.No.5329 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5329 of 2025 and
CMP.No.26821 of 2025

1.R.Saminathan

2. Mrs.S.Uma

... Petitioners

Vs.

1. S.Oohmsree

2.S.Sathyanarayanan

3.S.Sasipriya

4.Raja

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to strike off the Domestic Violence Complaint filed in D.V.C.No.15 of 2025 on the file of the Learned Judicial Magistrate, Thiruthuraipoondi, against the Petitioners herein, by allowing the present CRP.

For Petitioners

: M/s.N.Lakshmi Priya

**ORDER**

WEB COPY

The Civil Revision petition is filed challenging the domestic violence complaint preferred by the first respondent against the petitioners and other respondents.

2. The petitioners are parent-in-laws of the first respondent/complainant. After receiving the process from the learned Magistrate, the petitioners have come before this Court by invoking supervisory jurisdiction to strike off the domestic violence complaint on the ground that the petitioners never lived along with the respondents 1 and 2 and therefore, there is no shared household to invoke the provisions of the Domestic Violence Act.

3. 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*



WEB COPY



CRP.No.5329 of 2020

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 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.

4. In view of the availability of alternative remedy to the petitioners to



move the concerned Magistrate, as held by the Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, 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 availability of alternative remedy before regular Courts is a near total bar to exercise supervisory power of High Court. Hence, I am not inclined to interfere in revision.

5. 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.

6. Taking into consideration the petitioners are only parent-in-laws aged about 58 and 59 years, this Court is inclined to dispense with the personal appearance of the petitioners before the learned Magistrate unless their personal appearance is absolutely necessary. Consequently, the connected miscellaneous petition is closed. No costs.



CRP.No.5329 of 2025

31.10.2025

WEB COPY

Index : Yes / No
Internet : Yes / No
nr

To
The Judicial Magistrate, Thiruthuraipoondi,

S.SOUNTHAR, J.

nr

5/6



WEB COPY



CRP.No.5329 of 2025

CRP.No.5329 of 2025 and
CMP.No.26821 of 2025

31.10.2025