



WEB COPY

CRP No.5714 of 2025



DATED: 18-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5714 of 2025 and
CMP No.28466 of 2025**

1. Dr.R.H.Ravindranath Babu

2 . Rani

... Petitioner(s)

Vs.

1 . Dr.Roobhini N.kS.K., w/o Dr.R.R.Vignesh

2 . R..V.Shravanthi (Minor)

rep. By her mother/natural guardian
first respondent herein.

3 . Dr.R.R.Vignesh

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the entire proceedings in DVC No.104 of 2025 pending on the file of Mahila Court, Pondicherry as against the petitioners.

For Petitioner(s): Mr.A.Abdul Rahim

ORDER



This civil revision petition is filed seeking to strike off the entire proceedings in DVC No.104 of 2025 pending on the file of Mahila Court, Pondicherry, as against the petitioners.

2. The first respondent is wife and the 2nd respondent is son of the third respondent. The respondents 1 and 2 filed the above complaint under the provisions of the Domestic Violence Act against the petitioners and the third respondent.

3. The learned counsel for the petitioners submits that, in the above said complaint, there is no serious allegations made against the petitioners herein, who are parents in-laws of the first respondent, and hence, the same are not sufficient to take cognizance by the Magistrate under the provisions of Domestic Violence Act.

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. The relevant observation of the 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. 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.

WEB COPY

Hence, this court is not inclined to exercise its Supervisory Power available under Article 227 of Constitution of India to quash the complaint.

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

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 his personal appearance is absolutely necessary.



CRP No.5714 of 20



18.11.2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Mahila Court, Pondicherry.



WEB COPY

CRP No.5714 of 20



S.SOUNTHAR, J.

MST

CRP No.5714 of 2025

18.11.2025