



C.R.P.No.5699 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5699 of 2025
and
C.M.P.No.28425 and 28427 of 2025

D.Jagankumar

... Petitioner

VS.

1.J.Jothi Lakshmi

2.J.Amshitha, Minor

Minor Represented by her mother and
natural guardian, J.Jothi Lakshmi

Both are residing at

No.16, Bharatheeswarar Colony 1st Street,
Kodambakkam, Chennai – 600 024.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike-off the name of the petitioner in D.V.C.No.44 of 2024 pending on the file of XVII – Metropolitan Court, Saidapet, Chennai, on the ground of abuse of process of law by allowing the present civil revision petition.



WEB COPY



C.R.P.No.5699 of 2025

For Petitioner : Mr.C.Hariharan
for M/s.Law Vision

ORDER

The Civil Revision Petition is filed seeking to strike off the name of the petitioner in complaint preferred by the respondents in D.V.C.No.44 of 2024 under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

2. The learned counsel appearing for the petitioner submits that the complaint has been preferred by the respondents just to harass the petitioner with false allegations and the learned Metropolitan Magistrate mechanically issued process, without application of mind.

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 Judicial Magistrate can



go before the very same Judicial 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 Protection of Women from Domestic Violence Act, 2005. 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 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 law settled by the Full Bench of this Court in ***Arul Daniel and Others Versus Suganya*** reported in ***(2022) SCC Online Mad 5435***, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India. At this stage, the learned counsel appearing for the petitioner submits that the enquiry in the domestic violence case is almost over and recording of evidence is in advanced stage.

5. In view of the same, the learned XVII – Metropolitan Court, Saidapet, Chennai, is directed to dispose of the domestic violence case in D.V.C.No.44 of 2024 as expeditiously as possible.

6. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, the connected civil miscellaneous petitions are closed.



C.R.P.No.5699 of 2025

17.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



C.R.P.No.5699 of 2025

To

WEB COM The XVII – Metropolitan Court,
Saidapet, Chennai.



WEB COPY



C.R.P.No.5699 of 2025

S.SOUNTHAR, J.

dm

C.R.P.No.5699 of 2025

17.11.2025