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C.R.P.No.5317 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5317 of 2025
and C.M.P.Nos.26773 and 26775 of 2025

1.Mohamed Farook

2.Firthous

3.Yahoop

4.Musharaff

... Petitioners

vs.

Ayesha Bismi

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to quash the proceedings in D.V.C.No.23 of 2025 on the file of the Judicial Magistrate-1, Ponneri.

For Petitioners : M/s.K.Subbu Ranga Bharathi

ORDER

The Civil Revision Petition is filed seeking to quash the complaint preferred by the respondent under the provisions of Domestic Violence Act in D.V.C.No.23 of 2025 on the file of the Judicial Magistrate-1, Ponneri.



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2. The learned counsel appearing for the petitioner vehemently argued that the complaint preferred by the respondent is a false one and the main intention of the respondent is to harass the petitioners, who are all husband, mother-in-law, parent-in-law and brother-in-law of the respondent.

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 same, this Court is not inclined to entertain this civil revision petition and the same is dismissed with liberty to the petitioners to move the concerned Magistrate for recalling of the notice issued to her.

5. Taking into consideration the age of the petitioners 2 and 3 and the allegations made in the complaint, personal appearance of them is dispensed before the learned Judicial Magistrate-1, Ponneri, unless their personal



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appearance is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petitions are closed.

30.10.2025

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

To

The Judicial Magistrate-1,
Ponneri.



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S.SOUNTHAR, J.

dm

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