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CRP No.5709 of 2025



DATED: 18-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5709 of 2025 and
CMP No.28455 of 2025**

Syed Abudakeer

... Petitioner(s)

Vs.

Idul Marilya @ Jakeera

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records in DVC No.9 of 2025 on the file of Additional Mahila Court, Villupuram and quash the same as being illegal, incompetent and without jurisdiction.

For Petitioner(s): Ms.V.Srimathi

ORDER

This civil revision petition is filed to quash the complaint preferred by the



respondent/wife against the petitioner/husband under the provisions of the Domestic Violence Act.

2 . The learned counsel for the petitioner would submit that the petitioner already filed a suit in O.S.No.1 of 2025 seeking divorce against the respondent 14.10.2024 and thereafter, as a counter blast, this complaint has been filed by the respondent against the petitioner on 24.03.2025. It is the specific case of the petitioner that the allegations made in the complaint preferred by the respondent are false and hence, the same are not sufficient to take cognizance by the Magistrate under the provisions of Domestic Violence Act.

3. 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 petitioner is aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for him to move the very same Magistrate, raising preliminary objections. The relevant observation of the Full Bench reads as follows:-



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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.*

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



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

5. Taking into consideration the proceedings initiated before learned Magistrate is predominantly civil in nature, the personal appearance of the petitioner during enquiry before Magistrate is dispensed with, unless his personal appearance is absolutely necessary.

18.11.2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Additional Mahila Court,
Villupuram.



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S.SOUNTHAR, J.

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