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CRP.No.5247 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 31.10.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.5247 of 2025 and**  
**CMP.No.26433 of 2025**

1. Mr.Ahmed Meeran  
2. Mrs.Fathimuthu Raihana

... Petitioners

Vs.

1.Mrs.Shameema Fathima  
2.Mr.A.Ajmuldeen

...Respondents

**PRAYER :**Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the order dated 01.8.2025 passed in CrI.M.P.No.743/2025 in DVC No. 48/2024 by the learned XV Metropolitan Magistrate, George Town, Chennai.

For Petitioner

: Mr.R.Abdul Mubeen

**ORDER**

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The Civil Revision Petition is filed challenging the order passed by the learned XV Metropolitan Magistrate, George Town, Chennai, dismissing the application filed by the petitioners under Section 25(1) of Domestic Violence Act seeking to strike out the petitioners' name from the array of parties.

2. It is the main case of the petitioners, who are parent-in-laws of the 1<sup>st</sup> respondent, that they never lived along with the 1<sup>st</sup> respondent/complainant and therefore, there was no shared household.

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 contemplated under Section 204, Cr.P.C. in a proceeding*



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*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 petitioner before the Sessions Court under Section 29 of the Domestic Violence Act, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India as held by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin***



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***Educational Society* reported in MANU/SC/1365/2019.**

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5. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioner to avail alternative remedy available under Section 29 of Domestic Violence Act. No costs. Consequently, the connected miscellaneous petition is closed.

6. The petitioner is entitled to exclude the time taken by him in prosecuting the revision before this court, i.e., from 17-10-2025 to the date of receipt of a copy of this order.

**31.10.2025**

Index : Yes / No

Internet : Yes / No

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Note:Registry is directed to return the original order to the counsel appearing for the petitioners.

To

The learned XV Metropolitan Magistrate, George Town, Chennai.



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**S.SOUNTHAR, J.**

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