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CRP.No.6372 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.6372 of 2025 and
CMP.No.31558 of 2025

1. S.Chandran
2. Alfonsa

... Petitioners

Vs.

G.Divya

...Respondent

PRAYER :Civil Revision Petition filed under Article 227 of Constitution of India, praying to quash the proceedings in DVC No.25 of 2024 pending before the Judicial Magistrate Court, Tiruvottriyur as against the Petitioners/ 2nd and 3rd respondents.

For Petitioner : Mr.J.Karthik Eswaran

ORDER

This Civil Revision Petition is filed seeking to quash the complaint in DVC No.25 of 2024 preferred by the respondent under the provisions of Domestic Violence Act, as against the petitioners.



2. The learned counsel for the petitioners submitted that there is no specific averment in the complaint preferred by the respondent against the petitioners who are parents-in-law of the respondent. Therefore, the Magistrate ought not to have issued process against the petitioners.

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 issues. The relevant observation of 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*



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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 strike off 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 law laid down in **Arul Daniel case**.



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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 their personal appearance is absolutely necessary.

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Internet : Yes
Index : Yes / No
Neutral Citation: Yes/No
MST/shl

To

The Judicial Magistrate, Tiruvottriyur.



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S.SOUNTHAR, J.

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