



WEB COPY

CRP No.5500 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5500 of 2025 and
CMP Nos.27692 and 27693 of 2025**

1. Sumathi,
W/o.Kumar, Door No.53A, Nehru
Naga, G.V.Mahal Backside,
Pallipalayam -638 006

2. Kumar,
S/o.Natarajan, Door No.53A, Nehru
Nagar, G.V.Mahal Backside,
Pallipalayam - 638 006.

3. Gowrisankar,
S/o.Kumar, Door No.53A, Nehru
Nagar, G.V.Mahal Backside,
Pallipalayam -638 006.

Petitioner(s)

Vs

1. Shanmugapriya,
W/o.Karthik,D/o.Jaganathan, Door
No.66F, Ayyan Thottam,
Kumarapalayam Town and Taluk,
Namakkal District -638 183.



2.Minor Jajwin,
S/o.Karthi, Represented by his natural
guardian, Mother Shanmugapriya,
Door No.66F, Ayyan Thottam,
Kumarapalayam Town,
Kumarapalayam Taluk,
Namakkal District -638 183.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set to call for the records pertaining to D.V.C.No.6 of 2025 on the file of Judicial Magistrate, Kumarapalayam, and strike out the Petitioners name from its file and the same as abuse process of law and by allowing the present Civil Revision Petition.

For Petitioner(s): Mr. K.Sudhakar

ORDER

This Civil Revision Petition is filed seeking to strike out the name of the petitioners in the complaint preferred by the respondents under the provision of the Domestic Violence Act.

2. The petitioners 1 and 2 are the parents in-laws and the third petitioner is brother in-law of the first respondent. It is seen from the records that the first



respondent/wife filed a complaint in DVC No.6 of 2025 against one Karthik/husband as well as the petitioners herein on the file of Judicial Magistrate, Kumarapalayam. After receipt of notice, the petitioners filed this civil revision petition seeking to strike off their name in the said complaint, mainly on the ground that the averments made in the above complaint 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 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 like absence of share hold, domestic violence, etc. Hence, this court is not inclined to exercise its Supervisory Power available under Article 227 of Constitution of India to strike off the complaint.

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



5. 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.

11. 11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Judicial Magistrate, Kumarapalayam.



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