



C.R.P.No.5871 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5871 of 2025

and

C.M.P.Nos.29024 and 29026 of 2025

Kamali

... Petitioner

vs.

1.M.Divya

2.M.Jeeva Prakash

3.Sasi Kala

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records in D.V.C.No.38 of 2025 pending on the file of the Additional Mahila Court, Salem in so far as petitioner alone and quash the same.

For Petitioner : M/s.T.Dharani



WEB COPY



C.R.P.No.5871 of 2025

ORDER

The Civil Revision Petition is filed seeking to quash the complaint preferred by the 1st respondent/wife against the petitioner and other respondents under the provisions of Protection of Women from Domestic Violence Act, 2005 in D.V.C.No.38 of 2025.

2. The 1st respondent, who is the wife of 2nd respondent filed domestic violence complaint against the petitioner and other respondents in D.V.C.No.38 of 2025 on the file of the Additional Mahila Court, Salem. The petitioner is the sister in law of the 1st respondent.

3. According to the learned counsel appearing for the petitioner in the complaint preferred by the 1st respondent, there is no specific allegation against the petitioner so as to invoke the provisions of Domestic Violence Act. Therefore, the complaint preferred by the 1st respondent against the petitioner shall be quashed.



4. 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



C.R.P.No.5871 of 2025

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.”

5. In view of the categorical pronouncement of law by the Full Bench of this Court that a person aggrieved by issuance of process can very well approach the concerned Judicial Magistrate raising preliminary issues and hence, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India. When petitioner has effective remedy before concerned Magistrate, as held by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society*** reported in ***MANU/SC/1365/2019***, this Court need not exercise its supervisory power.

6. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioner to approach the Additional Mahila Court, Salem raising



C.R.P.No.5871 of 2025

preliminary objections. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioner is raised, the Additional Mahila Court, Salem shall consider and dispose of the same as expeditiously as possible.

7. The complaint preferred by the 1st respondent to take appropriate action and for compensation under Section 12 and 22 of Domestic Violence Act is predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioner before the learned Additional Mahila Court, Salem, unless her presence is absolutely necessary. Accordingly, C.M.P.No.29026 of 2025 is ordered. No costs. Consequently, the connected civil miscellaneous petition is closed.

26.11.2025

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

To

The Additional Mahila Court,
Salem.



WEB COPY



C.R.P.No.5871 of 2025

S.SOUNTHAR, J.

dm

C.R.P.No.5871 of 2025

26.11.2025



WEB COPY



C.R.P.No.5871 of 2025