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CRP.No.5741 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5741 of 2025 and
CMP.Nos.28574 and 28575 of 2025

1. Abdul Kaseem
2. Noorjahanbi
3. Natharsha
4. Mohammed Ayyuf

... Petitioners

Vs.

1. Vahitha Banu
2. Santhbee
- 3.Mrs.Mumtaj

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to call for the records relating to the proceeding in DVC.No.20 of 2025 on the file of the Learned Additional Mahila Court, Perambalur, pending disposal and struck off the same as against the petitioners alone.



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For Petitioner

: M/s.U.Gowri Shankar

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ORDER

The Civil Revision Petition is filed to strike off the complaint preferred by the 1st respondent/ complainant under the provisions of Domestic Violence Act.

2. The petitioners are husband, parents-in-law and brother-in-law of the first respondent/complainant. The civil revision petition has been filed mainly on the ground that the first respondent left the matrimonial home in the year 2016 and the complaint under Domestic Violence Act has been given in the year 2025 with the false allegations.

3. According to the learned counsel for the Petitioner, there was no domestic violence as alleged in the complaint.

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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 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 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.,*



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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.

5. In view of the availability of alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, the Hon'ble Apex Court in the case of **Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society** reported in **MANU/SC/1365/2019** held that availability of alternative remedy before regular Courts, is near total bar for exercise of supervisory power by High



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Court. Hence, I am not inclined to interfere in revision.

6. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioners to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in *Arul Daniel* case cited supra.

7. Considering the fact that petitioners are husband, parents-in-law and brother-in-law of the respondent, this Court is inclined to dispense with the personal appearance of the petitioners before the learned Magistrate unless it is absolutely necessary. Accordingly, the CMP.No.28574 of 2025 is ordered and CMP.No.28575 of 2025 is closed. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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To

The Additional Mahila Court, Perambalur



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