



C.R.P.No.5708 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5708 of 2025

and

C.M.P.Nos.28452 and 28454 of 2025

1.Boddu Venkat Prasad

2.Boddu Radhika

... Petitioners

VS.

1.Pamujula Nava Shubhasre

2.Boddu Ravikiran

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the complaint in D.V.C.No.43 of 2025 pending on the file of the XV Metropolitan Magistrate Court, George Town, Chennai, filed by the 1st respondent herein under Section 12 of the Protection of Women from Domestic Violence Act, 2005, against the petitioner herein by allowing the Civil Revision Petition.

For Petitioners : Mr.M.Deivanandam

ORDER



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WEB COPY The Civil Revision Petition is filed seeking to strike off the complaint in D.V.C.No.43 of 2025 preferred by the 1st respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

2. The petitioners are parents-in-law of the 1st respondent. The 1st respondent filed complaint under the provisions of Domestic Violence Act seeking monetary relief and compensation under Sections 20 and 22 of Protection of Women from Domestic Violence Act, 2005. The learned counsel for the petitioners submits that the 1st respondent has not sought for any relief against the petitioners. Therefore, they ought not to have been arrayed as parties in the complaint.

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 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 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. Accordingly, the Civil Revision Petition is dismissed with liberty to



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the petitioners to approach the very same Metropolitan Magistrate seeking to strike off the complaint preferred by the 1st respondent as against them. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioners is raised, the Metropolitan Magistrate shall consider the same and dispose of the same as expeditiously as possible.

5. Taking into consideration the proceedings before the learned Metropolitan Magistrate under the provisions of Domestic Violence Act is predominantly civil in nature, the personal appearance of the petitioners are dispensed with unless their presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petitions are closed.

17.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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The XV Metropolitan Magistrate Court,
George Town, Chennai.



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S.SOUNTHAR, J.

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