



CRP.No.5981 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

CRP.No.5981 of 2025
and CMP.Nos.29587 & 29589 of 2025

1.Malathi
2.Kalingarayar
3.Pushparaj
4.Prithiviraj
5.Kalaimathi

... Petitioners

Vs

1.Suganya
2.Minor. Yashitha
Rep by her mother Suganya

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the D.V.C. No.37 of 2021 on the file of Judicial Magistrate No.1, Mayiladuthurai and allow the civil revision petition.

For Petitioners : Mr.R.Shiva Kumar
for M/s.K.M.Vijayan Associates



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ORDER

This civil revision petition is filed seeking to quash the complaint preferred by the respondents under the provisions of Domestic Violence Act.

2. The learned counsel appearing for the petitioners would submit that the marriage between the first petitioner's son and first respondent itself is disputed and therefore, there is no domestic relationship between the parties to invoke the provisions of Domestic Violence Act. He further submitted that the averments made in the complaint are vague and are not sufficient to take cognizance by the Magistrate under the provisions of Domestic Violence Act as against the petitioners.

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 proceedings under the Domestic Violence Act, it is for them to move the very same Magistrate, raising preliminary objections, like absence of shared house



hold, domestic violence, etc. 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 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.



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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 before the concerned Magistrate for getting appropriate remedy as per the law laid down in *Arul Daniel* case.

5. Taking into consideration that the proceedings initiated before learned Magistrate is predominantly civil in nature, the personal appearance of the petitioners during enquiry before the learned Magistrate is dispensed with, unless their personal appearance is absolutely necessary.

27.11.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
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To:

1.The Judicial Magistrate No.1



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Mayiladuthurai.

2.The Section Officer
VR Section
High Court, Madras.

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S.SOUNTHAR, J.

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