



WEB COPY



CRP.No.6019 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6019 of 2025 and
CMP Nos.29760 and 29761 of 2025**

1. Rajendran.R
S/o Ramachandran, No 6/14, 3rd
Street, Gandhi Nagar, Kodungaiyur,
Chennai 600 118.

2. Subbulakshmi
W/o Ramachandran, No 6/14, 3rd
Street, Gandhi Nagar, Kodungaiyur,
Chennai 600 118.

3. Ramachandran
S/o. late. Perumal No 6/14, 3rd Street,
Gandhi Nagar, Kodungaiyur,
Chennai 600 118.

Petitioner(s)

Vs

1. RATHNAMALA
W/o Rajendran, No 68, Dhanalakshmi
Nagar, 1st Veerapuram, Old
Kanniamman Nagar, Avadi,
Chennai 600 055

2.Kanishka
Minor rep by her mother and Natural
guardian D/o Rajendran, No 68,
Dhanalakshmi Nagar, 1st Veerapuram,
Old Kanniamman Nagar, Avadi,
Chennai 600 055

1/8



CRP.No.6019 of 2025

3.Dhanush

Minor rep by her mother and Natural
guardian S/o Rajendran, No 68,
Dhanalakshmi Nagar, 1st Veerapuram,
Old Kanniamman Nagar, Avadi,
Chennai 600 055

4.Sudharshan

Minor rep by her mother and Natural
guardian S/o Rajendran, No 68,
Dhanalakshmi Nagar, 1st Veerapuram,
Old Kanniamman Nagar, Avadi,
Chennai 600 055

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike out the proceedings as against petitioners 2 and 3 in DVC No. 22 /2025 pending before Judicial Magistrate Court at Ambattur.

For Petitioner(s): Ms.S.Sasikala

ORDER

The Civil Revision Petition is filed seeking to strike off the complaint in DVC No.22 of 2025 on the file of the Judicial Magistrate, Ambattur, preferred by the respondents as against the petitioners herein.

2. The first petitioner is husband and the 2nd and 3rd petitioners are parents in-law of the first respondent.

2/8



3. The learned counsel for the petitioners would submit that the complaint was preferred by the respondents nearly after 12 years from the date of solemnisation of marriage solemnized between the first petitioner and the first respondent and also after two years from the date of separation. He further submitted that, the allegations contained in the complaint are false and the same were made just to take vengeance against the petitioners. Hence, the complaint preferred by the respondents as against the petitioners 2 and 3 herein is liable to be struck off.

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, raising preliminary objections. 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 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.



CRP.No.6019 of 2025

5. 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 *Arul Daniel case*.

6. Taking into consideration the proceedings initiated before learned Magistrate is predominantly civil in nature, the personal appearance of the petitioners 2 and 3 during enquiry before Magistrate is dispensed with, unless their personal appearance is absolutely necessary.

28.11.2025

Internet : Yes
Index : Yes / No
Neutral citation: Yes
MST

To
The Judicial Magistrate, Ambattur.



WEB COPY



CRP.No.6019 of 2025

S.SOUNTHAR , J.

MST

CRP.No.6019 of 2025

28.11.2025



CRP.No.6019 of 2025

C.R.P.No.6019 of 2025
and C.M.P.Nos.29760 and 29761 of 2025

S.SOUNTHAR,J.

WEB COPY

The matter is posted under the caption 'For Being Mentioned' at the instance of learned counsel for the petitioners.

2. It is brought to the notice of this Court that in Paragraph No.3 of the order dated 28.11.2025, there is a typographical error as if, the complaint was preferred by the respondents nearly after 12 years from the date of solemnisation of marriage. It is stated that the complaint had been preferred after 23 years. Therefore, the typographical error in the said order needs to be corrected.

3. It is seen from the complaint filed in the typed-set of papers that the date of marriage was mentioned as 10.07.2003 and therefore, the figure 12 (years) found in second line of Paragraph No.3 of the order shall be corrected as 23 (years).

4. The Registry is directed to issue fresh order copy to the learned counsel for the petitioners, after carrying out above said correction.

06.01.2026

dm

Note: Issue order copy on 07.01.2026.

7/8



WEB COPY



CRP.No.6019 of 2025
S.SOUNTHAR,J.

dm

C.R.P.No.6019 of 2025
and C.M.P.Nos.29760 and 29761 of 2025

06.01.2026