



CRP.No.5903 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5903 of 2025 and
CMP No.29155 of 2025**

1. G.Sathanantham
S/o Govindaraj, D.No 14, P.L.S Nagar
Phase II, R G Pudur,
Chinniyampalayam,
Coimbatore 641062

2. N. Krishnaveni
W/o. Sathanantham, D.No 14, P.L.S
Nagar Phase II, R G Pudur,
Chinniyampalayam,
Coimbatore 641062

Petitioner(s)

Vs

1. LAVANYA
D/o Murugan, D.No 5/310, 32, Selvam
Nagar, Udumalpet,
Tirupur Dist 642154

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2.S.K. Vignesh

S/o Sathanantham, D.No 14, P.L.S

Nagar Phase II, R G Pudur,

Chinniyampalayam,

Coimbatore 641062

3.Chitra

D/o. Late Selvakumar, D.No.9, Krishna

Apartment, II Floor, P.L.S Nagar Phase

II, R G Pudur, Chinniyampalayam,

Coimbatore 641062

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the complaint in DVC No.129 of 2025 on the file of Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore in so far as this petitioner is concerned, by allowing this CRP.

For Petitioner(s): Mr. A.RAMKUMAR

ORDER

The Civil Revision Petition is filed seeking to strike off the complaint in DVC No.129 of 2025 on the file of Special Court to try cases filed under

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Domestic Violence Act, Coimbatore preferred by the first respondent against the petitioners herein.

2. The petitioners herein are parents in-law of the first respondent and the second respondent is husband of the first respondent.

3. The learned counsel for the petitioners would submit that in the complaint preferred by the first respondent, there are no serious allegations against the petitioners. He further submitted that the allegations made in the complaint are imaginary one and the same was made only for the purpose of maintaining the said complaint. Hence, the complaint preferred by the first respondent as against the petitioners 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



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(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.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is 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 during enquiry before Magistrate is dispensed with, unless their personal appearance is absolutely necessary.

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Internet : Yes

Index : Yes / No

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Neutral citation: Yes

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To

The Special Court under DV Act,

Coimbatore.



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S.SOUNTHAR, J.

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