



CRP No.6054 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6054 of 2025 and
CMP No.29877 of 2025**

1. SELVI

W/o. Raja, No.26, Shanmugam Street,
Ammapettai, Salem District.

2. Vimala

W/o.Jegadeesan, No.23-1/4, Gandhi
Nagar, Near Ration Shop,
Jagir Ammapalayam, Salem Dist.

3. Mala

W/o.Kamaraj, No.14/28, Narasimman
St, Ammapettai, Salem Dist.

Petitioner(s)

Vs

1. S.Soundarya

W/o. Murali, No.1/79, Dhuraimuga
Nagar, Cuddalore District-607 003.

2.Murali

S/o.Raja, No.20, Sanmugam St,
Ammapettai, Salem Dist 636 003

Respondent(s)



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records of the proceedings in DVC.No.26/2025, on the file of Learned Additional Mahila Court, Cuddalore and strike off the same from its file as the same is an abuse process of law.

For Petitioner(s): Mr. W.Camyles Gandhi

ORDER

This civil revision petition is filed seeking to strike off the entire proceedings in DVC No.26 of 2025 pending on the file of Additional Mahila Court, Cuddalore, as against the petitioners.

2. The petitioners herein are the mother in-law and sisters in law of the first respondent and the 2nd respondent is husband of the first respondent. The first respondent filed the above complaint under the provisions of the Domestic Violence Act against the petitioners and the 2nd respondent.

3. The learned counsel for the petitioners submits that, the allegations contained in the complaint preferred by the first respondent are not enough to



issue process to the petitioners. It is further submitted by him that in the absence of any concrete materials against the petitioners, the learned Magistrate ought not to have issued process to the petitioners.

4. 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 the proceedings under the Domestic Violence Act, it is for them to move the very same Magistrate, raising preliminary objections. The relevant observation of the 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*



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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 quash 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



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as per the law laid down in *Arul Daniel case*.

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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.

01.12.2025

Internet: Yes

Index: yes/no

Neutral citation: Yes/No

MST

To

The Additional Mahila Court,
Cuddalore.



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S. SOUNTHAR, J.

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