



WEB COPY



CRP.No.6514 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.6514 of 2025 and
CMP.Nos.32164 and 32166 of 2025

1.M.Mayilsamy

2.S.Mani

3.M.Samboornam

4.M.Gopinath

5.G.Soundharya

... Petitioners

Vs.

M.Sandhiya

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying, to strike off the DVC.No.17 of 2025 on the file of the Additional
Mahila Court, Chengalpattu and allow the Civil Revision Petition.

For Petitioners

: Mr.T.Karthik Srinath
for M/s.K.M.Vijayan Associates

ORDER

The Civil Revision Petition is filed seeking to strike off the complaint
preferred by respondent under the provisions of Domestic Violence Act.

1/6



WEB COPY

2. The learned counsel for the petitioners submits that the allegations made in the complaint are very vague and the same does not disclose any cause of action for filing the present complaint under the provisions of Domestic Violence Act. He further submitted that except the first petitioner, the other petitioners never had shared household with the respondent and therefore the complaint under the Domestic Violence Act is not maintainable.

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 Magistrate can go before the very same 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 Domestic Violence Act. 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. In view of the availability of alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, the Hon'ble Apex Court in the case of **Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society** reported in **MANU/SC/1365/2019** held that availability of alternative remedy before regular Courts, is near total bar for exercise of supervisory power by High Court. Hence, I am not inclined to interfere in revision.



CRP.No.6514 of 20...

5. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioners to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in *Arul Daniel* case cited supra.

6. The complaint preferred by the 1st respondent seeking various orders under Section 12 of the Protection of Women from Domestic Violence Act, 2005, are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioners before the Additional Mahila Court, Chengalpattu, unless their presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petitions are closed.

17.12.2025

Index : Yes / No
Internet : Yes / No
ub



CRP.No.6514 of 20...

To

The Additional Mahila Court,
Chengalpattu



WEB COPY



CRP.No.6514 of 2025

S.SOUNTHAR , J.

ub

CRP.No.6514 of 2025

17.12.2025