



CRP(MD). No.2736 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/07/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2736 of 2024
and CMP(MD) Nos.15573 & 15574 of 2024**

1.A.Shanmughanathan

2.Indira

3.Kartika

... Petitioners

Vs

1.Abirami

2.Subramanian

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to strike off the proceedings in DVC No.38 of 2023 on the file of the Additional Mahila Court, Pudukottai.

For Petitioners : Mr.A.Navaneethakrishnan
Senior counsel for Mr.P.Thennavan
For Respondent : Mr.VR.Shanmuganathan for R1

ORDER

This petition has been filed against the proceedings in DVC No.38 of 2023 on the file of the Additional Mahila Court, Pudukottai.



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2. The petitioners herein are respondents in D.V.C.No.38 of 2023 and the first respondent herein initiated the said proceedings, under the provisions of the Domestic Violence Act, 2005 (hereinafter referred to as 'the Act').

3. The learned Senior counsel appearing for the petitioners raised a preliminary ground to the effect that though the first respondent has initiated the proceedings under the Domestic Violence Act, 2005, without a domestic incident report, which is mandated under Section 12 of the Act, the first respondent/wife has filed the complaint before the trial Court. Since the very initiation itself is against the provisions of the Act, the proceedings needs to be quashed. The learned Senior counsel would also contend that this Court may issue a direction to the trial Court to permit the petitioners to raise the preliminary issue of entertaining the complaint under Section 12 of the Act in the absence of any domestic violence report.

4. The learned counsel for the first respondent has no serious objection for the same.



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5. I have considered the rival submissions and perused the materials available on record.

6. For easy reference, Section 12 of the Domestic Violence Act is extracted hereunder:

“12. Application to Magistrate

(1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act: Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.”

7. Considering the said submissions made by either side and considering Section 12 of the Act, since there is a preliminary issue raised with regard to entertainment of the complaint under Section 12 of the Act, the trial Court is directed to decide the preliminary issue as to whether a complaint can be entertained without a domestic incident report as contemplated under the Act and proceed thereafter in



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accordance with law. Till such time, the appearance of the petitioners before the trial Court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C., and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Further, this Court directs the petitioners to represent the case through the counsel.

8. Accordingly, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Additional Mahila Court, Pudukottai.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.2736 of 2024**

Date : 09/07/2025