



CRP.No.159 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.159 of 2026 and
CMP.No.696 of 2026

R.Kumar

... Petitioner

Vs.

1. K.Mageshwari
2.S.Radhakrishnan
3.Amirtham
4.R.Manikandan
5.Anitha
6.Velu Naicker

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to allow this Civil Revision Petition under Article 227 of the Constitution of India and thereby quash the Domestic Violence case in DVC No.6 of 2021 on the file of the learned Judicial Magistrate I, Tindivanam.

For Petitioner

: Mr.Prakash Goklaney
for Mr.Jayasimhan.



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ORDER

The civil revision petition has been filed seeking to quash the complaint preferred by the 1st respondent under the provisions of Domestic Violence Act.

2. The learned counsel for the petitioner submitted that 1st respondent has not made out any *prima facie* case against the petitioner for issuing process. However, the learned Magistrate issued process against the petitioner mechanically without application of mind.

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.



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

6. Having regard to the fact the complaint preferred under Section 12 of Domestic Violence Act is predominantly civil in nature, this Court is inclined to dispense with the personal appearance of the petitioner before the learned Magistrate unless it is absolutely necessary.

7. Taking into consideration the domestic violence case was of the year 2021, the learned Magistrate is directed to dispose of the application to be filed by the petitioner, if any, raising jurisdictional issues as expeditiously as possible. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
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To

The Judicial Magistrate I, Tindivanam.

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S.SOUNTHAR, J.

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