



WEB COPY

CRP No. 488 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 488 of 2026 and

CMP Nos.2701 and 2705 of 2026

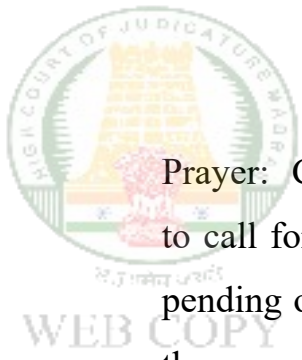
1. J.Mohammed Sheriff, S/o. M.Jalal,
Res. at No. 1/518, 13th Street,
South Lakshmi Nagar, Ranganathapuram,
Mudichur, West Tambaram, Chennai-45.
2. M.Jalal, Res. at No. 1/518, 13th Street,
South Lakshmi Nagar, Ranganathapuram,
Mudichur, West Tambaram, Chennai-45.
3. J.Zerina, S/o. M.Jalal,
Res. at No. 1/518, 13th Street,
South Lakshmi Nagar, Ranganathapuram,
Mudichur, West Tambaram, Chennai-45.

..Petitioner(s)

Vs

1. S.Thasleema, D/o. Shakul Ameen,
Res. at No. 96, H/A, Gingee Road,
Santhai Medu, Tindivanam,
Viluppuram-01.
2. T.Shabeer (Minor)
Rep. by his Natural Guardian Mother 1st
Petitioner.
Res. at No. 96, H/A, Gingee Road,
Santhai Medu, Tindivanam,
Viluppuram-01.

..Respondent(s)



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to call for the entire records in relation to proceeding in DVC No. 10 of 2025 pending on the file of the Judicial Magistrate-I at Tindivanam and to Strike off the same.

For Petitioner(s): Mr. G.Saravanan

ORDER

This civil revision petition has been filed seeking to quash the complaint preferred by the respondents against the petitioners under the provisions of the Domestic Violence Act.

2. The first petitioner herein is husband and the 2nd and 3rd petitioners are the parents -in-law of the first respondent.

3. The learned counsel for the petitioners would submit that the first petitioner sent a Talaq notice dated 06.08.2025 to the first respondent. After receipt of the same, the first respondent wantonly preferred the complaint under the Domestic Violence Act with false allegations. He would further submit that based on the Triple Talaq notices issued by the first petitioner dated 06.08.2025, 08.09.2025 and 09.10.2025, a suit has been filed by the first petitioner in O.S.No.211 of 2025 seeking declaration that the marriage solemnised between the first petitioner and the first respondent got dissolved by valid Talaq notices.



In view of the said fact, the complaint preferred by the respondents before the learned Magistrate is not maintainable.

WEB COPY

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 issues. 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 (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. The petitioners are at liberty to move the concerned Magistrate for getting appropriate remedy as per law laid down in *Arul Daniel case*. Taking into consideration the proceedings initiated before the 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. There shall be no order as to costs. Connected miscellaneous petitions are closed.

06-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Judicial Magistrate No.1, Tindivanam



WEB COPY

CRP No. 488 of 2



S.SOUNTHAR, J.

MST

CRP No. 488 of 2026

06-02-2026