



WEB COPY

CRP No. 363 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 363 of 2026 and

CMP Nos.2070 and 2071 of 2026

1. Shanthi, W/o. Selvaraj,
Res. at D.No. 10/334,
Thangadu Oranalli,
Balagolakuntha, The Nilgiris District.
2. Selvaraj, S/o. Narayanan,
Res. at D.No. 10/334,
Thangadu Oranalli,
Balagolakuntha,
The Nilgiris District.
3. Arundhathi W/o. Babu,
Kanish Cafes, Near Vivegam Matric School,
Near Railway Bridge,
Veerapandi, Coimbatore District.
4. Aruna, W/o. Jagan,
Harini Ladies Designer,
Santhimedue, Mettuplayam,
Coimbatore District.

..Petitioner(s)

Vs

1. Kalpana, W/o. Arul Prakash (Late)
Res. at Bharathiyar Nagar,
1st Street, Vellayangadu North,
Tiruppur Taluk, Tiruppur District.



2. Minor Kavis S/o. Arul Prakash (Late)
Rep. by his Mother Kalpana
Res. at Bharathiyar Nagar,
1st Street, Vellayangadu North,
Tiruppur Taluk, Tiruppur District.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the complaint against the petitioners pending before the Learned Judicial Magistrate Court II, Tiruppur in DVA.No.3/2021 dated 21.1.2021.

For Petitioner(s): Mr.C.Ramkumar

ORDER

This Civil Revision Petition is filed seeking to strike off the complaint preferred by the first respondent against the petitioners.

2. The petitioners 1 and 2 herein are the parents in-law and the petitioners 3 and 4 are the sisters in-law of the first respondent and she filed the above said complaint against the petitioners under the provisions of the Domestic Violence Act.

3. The learned counsel for the petitioners would submit that the husband of the first respondent died in the year 2020 and soon after the death, she left the matrimonial home. Hence, the petitioners are not having any shared household



with the first respondent, when the complaint was made in the year 2021.

Without taking into consideration the said vital fact, the Magistrate, mechanically issued the 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 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.

02-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Judicial Magistrate – II,
Tiruppur.



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CRP No. 363 of 2



S.SOUNTHAR, J.

MST

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02-02-2026