



CRP.No.252 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2026

**CORAM:
THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.252 of 2025
and CMP.No.1597 of 2025**

1.Lakshmi
2.Shyamala
3.Vimala
4.Bhuvana @ Bhuvaneswari
5.Kasilingam

... Petitioners

Vs.

1.Gajalakshmi
2.Srinivasan

...Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying to call for the records in DVC.3 of 2024 on the file of the learned Additional Mahila Court (Magisterial Level), Cuddalore by deleting the name of the petitioners in the above DVC.No.3 of 2024.

For Petitioners :Mr.A.Saravanan

For Respondents :Mr.M.I.Javid Akbar for R1
Mr.V.Gowthaman for R2

ORDER

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

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2. The first petitioner is the mother-in-law of the 1st respondent, the petitioners 2 and 4 are the sister-in-laws of the 1st respondent and 5th respondent is the brother-in-law of the 1st respondent.

3. It is stated by the petitioners that the allegations made in the complaint preferred by the first respondent do not satisfy the ingredients of Domestic Violence Act and therefore, the learned Magistrate ought not to have entertained the Domestic Violence Case. It is further stated that the first petitioner alone is residing along with her son namely the second respondent herein and petitioners 2 to 5 are residing elsewhere and they never had shared household with the first respondent.

4. 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.”

5. In view of the availability of effective alternative remedy to the petitioner before the concerned Magistrate and also further remedy before Sessions Court under Section 29 of the Domestic Violence Act, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. 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 remedy before



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regular Courts is a near total bar to exercise the supervisory power under Article 227 of Constitution of India. Hence, I am not inclined to interfere in revision.

6. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioner to move the concerned Magistrate as held by Full Bench in *Arul Daniel case*.

7. The complaint preferred by the respondent seeking various orders under Section 12 of Domestic Violence Act are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioners before the learned Magistrate unless their presence is absolutely necessary. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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To
The Additional Mahila Court (Magisterial Level),
Cuddalore.



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