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CRP No. 854 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 854 of 2026 and
CMP No.4620 and 4621 of 2026**

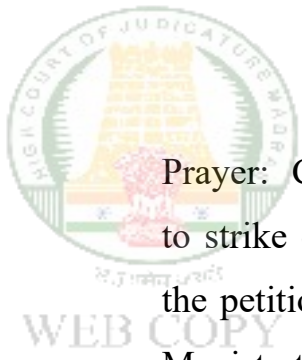
1. S.Andhiraikili, S/o. Sami Nadar,
No.2F/457, Postal and Telegramam,
TNT Colony, 10th Street,
West Tuticorin. West Tuticorin District.
2. Rajeswari, W/o. Andhiraikili,
No.2F/457, Postal and Telegramam,
TNT Colony, 10th Street,
West Tuticorin. West Tuticorin District.

..Petitioner(s)

Vs

1. Vijayasanthi alias Lakshumi Prabha
W/O. Saminathan, Anna Nagar,
Neivanam, Sendhurai,
Sendhurai Taluk, Ariyalur District.
2. Minor Harshitha Sree
Rep. by her mother the 1st respondent,
Anna Nagar, Neivanam,
Sendhurai, Sendhurai Taluk,
Ariyalur District.
3. A.Saminathan, S/o Andhiraikili,
No.2F/457, Postal and Telegramam,
TNT Colony, 10th Street,
West Tuticorin. West Tuticorin District.

..Respondent(s)



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the proceedings in Domestic Violence case No.7 of 2025 against the petitioners pending on the file of the learned District Munsif Cum Judicial Magistrate Court, Sendhurai, Ariyalur District.

For Petitioner(s): Mr.S.Selvaraj

ORDER

This Civil Revision Petition has been filed to strike off the proceedings in Domestic Violence case No.7 of 2025 filed by the first respondent against the petitioners.

2. The petitioners herein are the parents in-law of the first respondent and she filed the above said complaint against the petitioners as well as the 3rd respondent herein/husband under the provisions of Domestic Violence Act.

3. The learned counsel for the petitioners would submit that the first respondent deserted the petitioners' son, namely, the 3rd respondent herein in the year 2018 itself and the present complaint, which has been filed after 7 years from the date of desertion is not maintainable. The learned counsel further submitted that the petitioners have been living separately at Tuticorin from the year 2019 and therefore, there is no shared household with the 1st and 2nd respondent. Hence, the Magistrate ought not to have issued process against 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.

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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 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.

20-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MST

To

The District Munsif cum Judicial Magistrate,
Sendhurai, Ariyalur District.



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S.SOUNTHAR, J.

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