



C.R.P.No.1870 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1870 of 2024

and

C.M.P.No.9829 of 2024

P.Na.Muthuram @ Jawahar

... Petitioner

vs.

B.Nazeena Sheeba Parveen

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to quash the Complaint in D.V.O.P.No.55 of 2021 pending before the Additional Mahila Court at Salem and quash the same.

For Petitioner : Mr.R.Venkatesh

ORDER

The Civil Revision Petition is filed seeking to quash the complaint preferred by the respondent under the provisions of Protection of Women from Domestic Violence Act, 2005 in D.V.O.P.No.55 of 2021 on the file of the Additional Mahila Court at Salem.



2. The learned counsel appearing for the petitioner would submit that the averments contained in the complaint do not disclose occurrence of any domestic incident as ingredients of the same under the provisions of Protection of Women from Domestic Violence Act, 2005 are not satisfied. Therefore, the Additional Mahila Court ought not to have issued process to the petitioner.

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 Judicial Magistrate can go before the very same Judicial 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 Protection of Women from Domestic Violence Act, 2005. 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 categorical pronouncement of law by the Full Bench of this Court that a person aggrieved by issuance of process can very well approach the concerned Additional Mahila Court raising preliminary issues and hence, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India. When petitioner has remedy before Regular Magistrate, as held by the Hon'ble Apex Court in the case of ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others vs. Tuticorin Educational Society and others*** reported in ***MANU/SC/1365/2019***, this Court need not exercise its supervisory jurisdiction.



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5. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to approach the very same Additional Mahila Court raising preliminary issues. If any such application is filed and preliminary issue with regard to the maintainability of the petition against revision petitioners is raised, the Additional Mahila Court, Salem, shall consider and dispose of the same as expeditiously as possible.

6. The complaint preferred by the respondent seeking various orders under Sections 12, 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005, are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioners before the Additional Mahila Court, Salem, unless his presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petition is closed.

19.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Additional Mahila Court,
Salem.



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S.SOUNTHAR, J.

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