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C.R.P.No.989 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 09.02.2026

CORAM

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

**C.R.P.No.989 of 2025**

**and**

**C.M.P.No.5642 of 2025**

1.N.Prasanna Venkatesh

2.N.Bala

.... Petitioners

Vs

S.Shanthini

.... Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the proceedings in DVA No.225 of 2024 on the file of the Special Judge for Domestic Violence Act Cases, Coimbatore.

For Petitioners

: Mr.S.Udhaya Kumar

For Respondent

: Mr.S.Sriram

for Mr.K.Govi Ganesan

**ORDER**

This Civil Revision Petition is filed seeking to quash the complaint preferred by the respondent under the provisions of the Protection of Women from Domestic Violence Act, 2005.



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2.The petitioners are the husband and mother-in-law of the respondent. The learned counsel for the petitioners submits that the complaint filed under the provisions of the Protection of Women from Domestic Violence Act has been preferred by the respondent just to harass the petitioners. In the absence of any specific allegations regarding the incident of domestic violence, the learned Magistrate ought not to have issued notice to the petitioners by invoking the provisions of the said Act.

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 Judicial Magistrate 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***



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*and others vs. Tuticorin Educational Society and others* reported in

**MANU/SC/1365/2019**, this Court need not exercise its supervisory jurisdiction.

5. Accordingly, the Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

09.02.2026

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To

The Special Judge for Domestic Violence Act Cases,  
Coimbatore.



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**S.SOUNTHAR.J.**

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