Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 988 of 2026
and
CMP No.5316 of 2026

CNR: {HCMA010321712026}

Case QR

1. R.Vijay
   S/o Rajendran,

2. E. Rajendran
   S/o. Elumalai,

3. R. Lakshmi
   W/o. E. Rajendran,

..Petitioner(s)

Vs

D.Tamizh Selvi
D/o C. Durairaj,

..Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India, to strike of DVC proceedings in DVC No.14 of 2025 on the file of the Learned Judicial Magistrate - II, Tambaram.

For Petitioner(s): Mr.W.M.Abdul Azeez

For Respondent(s): Mr.R.Bhalasubramaniom

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This Civil Revision Petition has been filed under Article 227 of Constitution of India seeking to strike off the complaint in DVC No.14 of 2025 on the file of the Learned Judicial Magistrate - II, Tambaram. According to the petitioners, the proceedings is a clear abuse of process of law and have been initiated only to harass the petitioners.

2. In the considered view of this Court, the grievance that has been expressed by the petitioners can be worked out before the Court below. If according to the petitioners 2 and 3, they have been arrayed as parties without any material, they can seek for striking off their names from the array of respondents.

3. Insofar as the defence raised by the 1st petitioner is concerned, it has to be raised only before the Court below since the 1st petitioner is the husband.

4. The issue raised in the present petition is squarely covered by the Judgment of the Full Bench of this Court in ***Arul Daniel and others v. Suganya and others [2022 (6) CTC 833]***. The grievance expressed by the petitioners 2 and 3 can be worked out in line with the guidelines issued in paragraph

https://www.mhc.tn.gov.in/judis

WEB COPY

No.76(ix) of the aforesaid judgment and for proper appreciation, the same is extracted hereunder:

> "76 (ix) In *Kunapareddy* (cited supra), the Hon'ble Supreme Court upheld the Order of a Magistrate purportedly exercising powers under Order 6, Rule 17 of the Civil Procedure Code, 1908 (hereinafter referred to as "C.P.C."), to permit the amendment of an Application under Section 12 of the D.V. Act. Taking a cue therefrom, it would be open to any of the Respondent(s), at any stage of the proceeding, to apply to the Magistrate to have their names deleted from the array of Respondents if they have been improperly joined as parties. For this purpose, the Magistrate can draw sustenance from the power under Order 1, Rule 10(2) of the C.P.C. A judicious use of this power would ensure that the proceedings under the D.V.Act do not generate into a weapon of harassment and would prevent the process of Court from being abused by joining all and sundry as parties to the lis."

5. The Full Bench made it very clear that an order under Article 227 of the Constitution of India striking off the proceedings will be passed only in cases where the Magistrate suffers from a patent lack of jurisdiction. That is not the case here and the grievance expressed by the petitioners 2 and 3 can be dealt with by the Court before which the Domestic Violence proceedings are pending.

https://www.mhc.tn.gov.in/judis

WEB COPY

6. In the light of the above discussion, it is left open to the petitioners 2 and 3 to move an appropriate application before the learned Judicial Magistrate - II, Tambaram. seeking to delete their names from the array of respondents and the same shall be dealt with on its own merits and in accordance with law after affording opportunities to both parties. If such an application is filed, it is left open to the respondent to file a counter. The petitioners 2 and 3 shall be permitted to be represented through counsel and their presence is dispensed with.

7. This Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

04-11-2026

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

https://www.mhc.tn.gov.in/judis

WEB COPY

To

Judicial Magistrate - II, Tambaram.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.ANAND VENKATESH, J.

KP

CRP No. 988 of 2026

04-11-2026

https://www.mhc.tn.gov.in/judis