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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 2444 of 2026
and CMP No.10423 of 2026

Case QR

CNR: {HCMA010590662026}

1. A.Churchill,
   S/o.Antony Amal Raj,

2. Antony Amal Raj,
   S/o.V.Shanmugavel,

..Petitioner(s)

Vs

M.Shruthi,
D/o.Manuvel Sathyaraj,

..Respondent(s)

Prayer:-

Petition filed under Article 227 of the Constitution of India praying to strike off the petition in DVC.No.124 of 2025 on the file of Learned IX Metropolitan Magistrate / IX Judicial Magistrate, Saidapet, Chennai, and to allow the above Revision Petition.

For Petitioner(s): Mr.K.P.Gnanasekaran

For Respondent(s): Mr.Subramanian G

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ORDER

This Civil Revision Petition has been filed under Article 227 of Constitution of India seeking to strike off the complaint in DVC.No.124 of 2025 on the file of learned IX Metropolitan Magistrate / IX Judicial Magistrate, Saidapet, Chennai, According to the petitioners, the proceedings is a clear abuse of process of law and have been initiated only to harass the petitioners. The 1st petitioner has filed restitution conjugal rights against the respondent in IDOP No.304 of 2024, pending on the file of IV Additional District Court, Tirunelveli and the respondent has filed divorce proceedings against the 1st petitioner in IDOP No.77 of 2025, pending on the file of IV Additional District Court, Tirunelveli.

2. In the considered view of this Court, the grievance that has been expressed by the 1st petitioner can be worked out before the Court below. If according to the 2nd petitioner/father-in-law has been arrayed as party without any material, he can seek for striking off his name from the array of respondent.

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.

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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 2nd petitioner can be worked out in line with the guidelines issued in paragraph 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

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cases where the Magistrate suffers from a patent lack of jurisdiction. That is not the case here and the grievance expressed by the 1st petitioner can be dealt with by the Court below which the Domestic Violence proceedings are pending.

6. In the light of the above discussion, it is left open to the 2nd petitioner to move an appropriate application before the IX Metropolitan Magistrate / IX Judicial Magistrate, Saidapet, Chennai, seeking to delete his names from the array of respondent 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 2nd petitioner shall be permitted to be represented through counsel and his 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

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To

IX Judicial Magistrate Court

Saidapet, Chennai,

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N.ANAND VENKATESH, J.

KP

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