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C.R.P. No.2793 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.2793 of 2023

and

C.M.P. Nos.17260 and 17263 of 2023

1.Mohammed Bukhari Moidu
S/o.Mohammed Moidu,
Residing at No.23, Balkhees Niwas,
Moidu Complex, D.K.Halli Plantation,
BEML Nagar, Bengarpet Taluk,
Bangalore.

2.Sharmila Bukhari
W/o.Mohammed Bukhari Moidu,
Residing at No.23, Balkhees Niwas,
Moidu Complex, D.K.Halli Plantation,
BEML Nagar, Bengarpet Taluk,
Bangalore.

3.Sabeel B.Moidu
S/o.Mohammed Bukhari Moidu,
Residing at No.23, Balkhees Niwas,
Moidu Complex, D.K.Halli Plantation,
BEML Nagar, Bengarpet Taluk,
Bangalore.

Petitioner(s)

Vs

1.Rayan Mariyam
W/o.Sahan B.Moidu,
D/o.Imityaz Ahamed, No.29/4,
Mayilai Ranganathan Street, Thiyagaraya
Nagar, Chennai - 600017.



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2.Sahan B.Moidu

S/o.Mohammed Bukhari Moidu, residing at
No.23, Balkhees Niwas, Moidu Complex,
D.K.Halli Plantation, BEML Nagar,
Bengarpet Taluk, Bangalore.

3.Sapna Arif

W/o.Mohammed Arif,
No.5154, 13 th Floor,
Prestiage Bella Vista,
Near Iyappanthangal Bus Dippo,
Chennai 56.

4.Mohammed Arif

No.5154, 13th Floor, Prestiage Bella Vista,
Near Iyappanthangal Bus Dippo,
Chennai 56.

Respondent(s)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to strike off the proceedings in DVC No.11 of 2023 on the file of the Hon'ble XVII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner(s) : Mr.B.Ganesha Moorthy

For Respondents : No appearance
1 & 2

For Respondents : Given up
3 & 4

ORDER

The Civil Revision Petition is filed seeking to strike off the complaint preferred by the 1st respondent under the provisions of the Domestic Violence Act.



2. The learned counsel for the petitioners would submit that in the complaint preferred by the 1st respondent, there was no specific allegation against the petitioners 1 and 2, who are the parents-in-law and the 3rd petitioner/ brother-in-law of the 1st respondent. According to them, the learned Magistrate issued notice to the petitioners mechanically without considering the absence of any specific allegation against the petitioners.

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 Magistrate can go before the very same 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 Domestic Violence Act. 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



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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 availability of alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, the Hon'ble Apex Court in the case of **Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society** reported in **MANU/SC/1365/2019** held that availability of alternative remedy before regular Courts, is near total bar for exercise of supervisory power by High Court. Hence, I am not inclined to interfere in revision.

5. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioners to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in **Arul Daniel** case cited supra.



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6. Having regard to the fact the complaint preferred under Section 12 of

Domestic Violence Act is predominantly civil in nature, this Court is inclined to dispense with the personal appearance of the petitioners before the learned Magistrate unless it is absolutely necessary. Consequently, the connected miscellaneous petitions are closed. No costs.

07.01.2026

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

The XVII Metropolitan Magistrate,
Saidapet, Chennai



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S. SOUNTHAR, J.

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