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C.R.P.No.2506 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.02.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2506 of 2024

and

CMP Nos.13162 & 13164 of 2024

1.T.Ulaganathan

2.U.Dhanalakshmi

3.U.Selvaganapathy

.... Petitioners

Vs

J.Divya @ Jaya Preethi

.... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to struck off the petition in DVC No.44 of 2023 on the file of the Judicial Magistrate, Ambathur.

For Petitioners : Mr.D.Rajagopal

For Respondent : No appearance

ORDER

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

2.The petitioners 1 and 2 are the in-laws of the respondent and the third petitioner is the husband of the respondent.



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3.The learned counsel appearing for the petitioner would submit that the complaint preferred by the respondent is frivolous one and has been filed only to wreak vengeance in view of the divorce petition filed by the third petitioner. The learned counsel further submits that the allegations contained in the complaint preferred by the respondent do not constitute an offence under the provisions of the Domestic Violence Act.

4.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 existence of a shared household/domestic relationship etc., which



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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.

5. 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. .

6. Accordingly, the Civil Revision petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.



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7. Having regard to the fact the complaint preferred under the provision 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.

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Index : Yes/No

Internet : Yes/No

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To

The Judicial Magistrate,
Ambathur.



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S.SOUNTHAR, J.

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