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C.R.P. No.2485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.2485 of 2024

and

C.M.P. No.13005 of 2024

1.K.Raju
S/o.Kumarasamy Gounder,
Residing at. No.375/185,
Chinna Kadai Veedhi,
Dharapuram-638 656, Tirupur District.

2.R.Murugeswari
W/o.Raju,
Residing at. No.375/185,
Chinna Kadai Veedhi,
Dharapuram-638 656, Tirupur District.

Petitioner(s)

Vs

1.Haritha
W/o. Loganathan,
No.168/16B, Cheran nagar,
Ellis Nagar Post, Dharapuram-638 657,
Tiruppur District.

2.R Loganathan
S/o. Raju,
No.375/185, Chinnakadaiveethi,
Dharapuram Town, Dharapuram Taluk,
Tiruppur District.

Respondent(s)



C.R.P. No.2485 of 2024

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to call for the records in DVC.No.11/2023 pending on the file of the Judicial Magistrate Court, Dharapuram and strike down the said complaint in so far as the petitioners are concerned.

For Petitioner(s) : Mr.Newton
for Mr.W.M.Abdul Majeed

For Respondent(s) : Mr.M.Guruprasad (for R1)

No appearance (for R2)

ORDER

The Civil Revision Petition is filed seeking to quash the complaint preferred by the respondents under the provisions of the Domestic Violence Act.

2. The learned counsel for the petitioners submits that in the complaint preferred by the 1st respondent there is no allegation of specific overt act against the petitioners. Therefore, the learned Magistrate ought not have issued process 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

2/6



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 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**



C.R.P. No.2485 of 2024

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.

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 petition is closed. No costs.

07.01.2026

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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C.R.P. No.2485 of 2024

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To:
The Judicial Magistrate Court,
Dharapuram



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C.R.P. No.2485 of 2024

S. SOUNTHAR, J.

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C.R.P. No.2485 of 2024

07.01.2026