



C.R.P. No.2800 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.2800 of 2023

and

C.M.P. Nos.17285 and 17289 of 2023

1.Mary Angel
W/o.Ilakkuvan,
No.1/452, Angel Ezhilagam,
6th East Street, Poriylar Nagar,
Thiruppalai Ma Reserve Lines,
Madurai-625014.

2.C.Ilakkuvan
S/o.Chellaiah,
No.1/452, Angel Ezhilagam,
6th East Street, Poriylar Nagar,
Thiruppalai Ma Reserve Lines,
Madurai-625014

3.M.I.Praveen Babu
S/o.Ilakkuvan,
No.1/430, 3rd street, Poriylar Nagar,
Thiruppalai, Ma Reserve Lines,
Madurai-625014

4.Sheela Angeline
W/o.M.I.Praveen Babu,
No.1/430, 3rd street, Poriylar Nagar,
Thiruppalai, Ma Reserve Lines,
Madurai-625014

Petitioner(s)

Vs



C.R.P. No.2800 of 2023

1.J.Anita Arockia Rani
W/o.Angeline Babu, G-4 Block 9
Sumeru City, Phase-1, IAF Road,
landmark, Saibaba Kovil Opposite,
Selaiyur, Chennai-600073

2.M.I.Angeline Babu
S/o.Ilakkuvan, No.1/452, Angel
Ezhilagam, 6th East Street, Poriylar
Nagar, Thiruppalai Ma Reserve Lines,
Madurai-625014

Respondent(s)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to call for the records pertaining to DVC No.3/2023 pending on the file of the Learned Judicial Magistrate-I, Tambaram and strike out the petitioners names and same as abuse of process of law and by allowing the present petition.

For Petitioner(s) : Mr.M.P.Muthukumaran

For Respondent(s) : Mr.S.Sivalinga Kesavan (for R1)
Signed - No appearance (R2)

ORDER

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

2. It is stated by the learned counsel for the petitioner that the petitioners and the respondents are living separately i.e., away from the matrimonial home of the 1st respondent, and hence, the petitioners never had any shared household with the 1st respondent/complainant. In these circumstances, the learned Magistrate ought not have issued process against the petitioners.

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3. The learned counsel appearing for the 1st respondent submits that the Magistrate issued process only as against the petitioners 1, 2 and the 2nd respondent and till date no cognizance has been taken as against the petitioners 3 and 4. It is further submitted by the learned counsel that the 1st respondent filed an application to array the petitioners 3 and 4 as party respondents in the complaint and the said application is pending. The said statement made by the learned counsel for the 1st respondent is recorded.

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*



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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.”

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 with liberty to the petitioners to approach the concerned Magistrate for getting appropriate



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remedy in terms of order passed in *Arul Daniel* case cited supra.

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7. 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 Judicial Magistrate-I, Tambaram



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