



C.R.P.No.2977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2977 of 2025
and
C.M.P.No.16749 of 2025

Senthilkumar

... Petitioner

VS.

Sangeetha

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the proceedings in D.V.C.No.2 of 2025 now pending on the file of the learned District Munsif cum Judicial Magistrate Court, Uthiremerur, Kancheepuram District.

For Petitioner : Mr.Praveen Alexander

For Respondent : Mr.P.Balamurugan



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ORDER

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The Civil Revision Petition is filed seeking to strike off the complaint preferred by the respondent under the provisions of Protection of Women from Domestic Violence Act, 2005 in D.V.C.No.2 of 2025 on the file of the District Munsif cum Judicial Magistrate Court, Uthiremerur, Kancheepuram District.

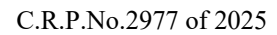
2. The petitioner is the husband of the respondent. The learned counsel appearing for the petitioner would submit that the respondent in her complaint made only omnibus allegations against the petitioner and based on those allegations, the learned Judicial Magistrate ought not have issued process to the petitioner.

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 Judicial Magistrate can go before the very same Judicial 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 Protection of Women from Domestic Violence Act, 2005. 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.”



5. Accordingly, the Civil Revision Petition is dismissed with liberty to petitioner to approach the very same District Munsif cum Judicial Magistrate Court, Uthiremerur, Kancheepuram District raising preliminary issue. If any such application is filed and preliminary issue with regard to maintainability of the petition against revision petitioner is raised, the District Munsif cum Judicial Magistrate Court, Uthiremerur, Kancheepuram District, shall consider and dispose of the same as expeditiously as possible.



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6. The complaint preferred by the respondent seeking various orders under Sections 12, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005, are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioner before the District Munsif cum Judicial Magistrate Court, Uthiremerur, Kancheepuram District, unless his presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petition is closed.

18.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The District Munsif cum Judicial Magistrate Court,
Uthiremerur, Kancheepuram District.



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S.SOUNTHAR, J.

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