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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 3911 of 2025 and

CMP Nos.20564 and 20566 of 2025

and

CRP No.3912 of 2025 and

CMP Nos.20571 and 20572 of 2025

CRP No.3911 of 2025

1. S. Revathi
W/o. T. Selvaraj, O.No.39, N.No.83, 4th Floor,
Anna Pillai St, Sowcarpet, Chennai 079.
2. T. Selavaraj
O.No.39, N.No.83, 4th Floor, Anna Pillai St,
Sowcarpet, Chennai 079.

..Petitioner(s)

Vs

1. V. Vijaya Deepika
Rep.by her Power Agent Mr. Vellayudrai,
D/o. Vellayadurai, W/o. Bhuvaneish,
No.11/6, Green Avenue, Thiruvottiyur,
Thiruvallur, Chennai 019.
2. S. Bhuvaneish
S/o. T. Selavaraj, O.No.39, N.No.83, 4th Floor,
Anna Pillai St, Sowcarpet, Chennai 079.



3. Abilash .S

S/o. T. Selavaraj, O.No.39, N.No.83, 4th Floor,
Anna Pillai St, Sowcarpet, Chennai 079.

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..Respondent(s)

CRP No.3912 of 2025

Abilash S.

... Petitioner

Vs.

1. V.Vijaya Deepika

rep by her power agent Mr.Vellayadurai

2. Bhuvaneish S.

3. Revathi S.

4. T.Selvaraj

... Respondents

Common Prayer: Civil Revision petition filed under Article 227 of Constitution of India to strike off the complaint filed in DVC No.7 of 2025 on the file of Judicial Magistrate, Thiruvottiyur against the petitioner(s) herein.

For Petitioner(s):
in CRP No.3911/2025

Mr.T.N.Rajagopalan

For Petitioner(s):
in CRP No.3912/2025

Mr.R.Ananth
for Mr.D.Kanagasundaram

For Respondent(s):
in both CRPs

Mr.R.Ramkumar
for Mr.R.Swarnavel
for R1



COMMON ORDER

These Civil Revision Petitions have been filed to strike off the complaint preferred by the first respondent against the petitioners under the provisions of the Domestic Violence Act.

2. The petitioners in CRP No.3911 of 2025 are the parents in-law of the first respondent and the petitioner in CRP No.3912 of 2025 is the brother in-law of the first respondent and she filed the above said complaint against the petitioners as well as against her husband.

3. The learned counsel for the petitioners would submit that the first respondent and her husband were living in abroad and the petitioners never lived in a shared household with the first respondent. Hence, the complaint preferred by the first respondent under the provisions of Domestic Violence Act is an abuse of process of law. He would further submit that in the complaint, there is no specific allegations against the petitioners and therefore, the Magistrate ought not to have issued process against the petitioners, based on the vague and general allegations.

4. In support of the said contentions, the learned counsel for the petitioners relied on the judgment of the Apex Court in ***Geddam Jhansi and another Vs. State of Telangana and others reported in 2025 SCC Online SC 263***. The observations made in the above said case, regarding the criminal proceedings rupturing the family relationship, cannot be made applicable to the



present case, because, the present complaint has been preferred under Section 22 of the Domestic Violence Act, which is predominantly civil in nature.

5. Another judgment relied on by the learned counsel for the petitioners in ***Dr.Arunagiri and another Vs. Mahalakshmi and 3 others in CRP (PD) No.221 of 2025, dated 28.05.2025*** also may not be applicable to the facts and circumstances of the instant case, because, in the judgment cited supra, application has been preferred by the revision petitioners before the Magistrate seeking to strike off their names from the complaint and the said application was dismissed. In case on hand, the petitioners, before raising the issues before the Magistrate, straight away rushed to this court.

6. In view of the Law settled by this Court in ***Arul Daniel and Others Versus Suganya reported in (2022) SCC Online Mad 5435***, if the petitioners are aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for them to move the very same Magistrate raising preliminary issues. The relevant observation of Full Bench 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.

Hence, this court is not inclined to exercise its Supervisory Power available under Article 227 of Constitution of India to strike off the complaint.

7. Accordingly, both the civil revision petitions are dismissed. The petitioners are at liberty to move the concerned Magistrate for getting appropriate remedy as per law laid down in **Arul Daniel case**. Taking into consideration the proceedings initiated before the learned Magistrate is predominantly civil in nature, the personal appearance of the petitioners during enquiry before Magistrate is dispensed with, unless their personal appearance is absolutely necessary. There shall be no order as to costs. Connected miscellaneous petitions are closed.

09-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MST



CRP Nos. 3911 & 3912 of 2



To

The Judicial Magistrate,
Thiruvottiyur.



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S.SOUNTHAR, J.

MST

CRP Nos. 3911 and 3912 of 2025

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