



WEB COPY

CRP No. 100 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 100 of 2024 and

CMP.No.490 and 19063 of 2024

1. K.Harish @ Vipin Chanderan
2. K. Jayanirmalavalli
3. R. Kumar

..Petitioner(s)

Vs

Mrs.Harini

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India praying to call for the records of the complaint in DVC No.81 of 2023 pending on the file of the learned XVIII Metropolitan Magistrate Court, Saidapet under Section 12 of the Protection of Women from Domestic Violence Act and quash the same.

For Petitioner(s): No appearance

For Respondent(s): M/s.B.Sharmila
for M/s.T.Vidya Sagar



ORDER

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



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.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The XVIII Metropolitan Magistrate Court, Saidapet.



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S.SOUNTHAR, J.

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