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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6824 of 2026
and CMP No.29350 of 2026

CNR:{HCMA012420132026}

P.Saraswathy

Petitioner(s)

Vs

1. Saranya Mariappan

2.Madhusudan C

3.Chandrasekaran P

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India praying to quash the proceedings in DVC.No.4/2024 as against the petitioner pending on the file of the Judicial Magistrate Court, Sholinganallur.

For Petitioner(s): Mr.R.Saravanakumar

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to quash the proceedings in DVC.No.4/2024 as against the petitioner pending on the file of the Judicial Magistrate Court, Sholinganallur insofar as the petitioner is concerned.

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2. The 1st respondent initiated proceedings under the Domestic Violence Act against the petitioner and sought for various reliefs. In this petition, the petitioner is Mother in law, added as party. According to the petitioner, she has been added as party only to harass her and the proceedings initiated by the 1st respondent is an abuse of process of law. Accordingly, the petitioner has sought for striking off the proceedings insofar as the petitioner is concerned.

3.Heard learned counsel for petitioner and carefully perused the materials available on record.

4.The issue raised in the present petition is squarely covered by the judgment of the Full Bench of this Court in ***Arul Daniel and others v. Suganya and others [2022 (6) CTC 833]***. The grievance expressed by the petitioners can be worked out in line with the guidelines issued in paragraph No.76(ix) of the aforesaid judgment and for proper appreciation, the same is extracted hereunder:

> "76 (ix) In ***Kunapareddy*** (cited supra), the Hon'ble Supreme Court upheld the Order of a Magistrate purportedly exercising powers under Order 6, Rule 17 of the Civil Procedure Code, 1908 (hereinafter referred to as "C.P.C."), to permit the amendment of an Application under Section 12 of the D.V. Act. Taking a cue therefrom, it would be open to any of the Respondent(s), at any stage of the proceeding, to apply to the Magistrate to have their

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names deleted from the array of Respondents if they have been improperly joined as parties. For this purpose, the Magistrate can draw sustenance from the power under Order 1, Rule 10(2) of the C.P.C. A judicious use of this power would ensure that the proceedings under the D.V.Act do not generate into a weapon of harassment and would prevent the process of Court from being abused by joining all and sundry as parties to the lis."

5.The Full Bench made it very clear that an order under Article 227 of the Constitution of India striking off the proceedings will be passed only in cases where the Magistrate suffers from patent lack of jurisdiction. That is not the case here and the grievance expressed by the petitioner can be dealt with by the Court before which the Domestic Violence proceedings are pending.

6.In the light of the above discussion, it is left open to the petitioner to move an appropriate application before the Judicial Magistrate Court, Sholinganallur, seeking to delete her name from the array of respondents and the same will be dealt with on its own merits and in accordance with law after affording opportunities to both parties. If such an application is filed, it is left open to the respondents to file a counter. The petitioner shall be permitted to be represented through counsel and her presence is dispensed with.

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7.This Civil Revision Petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

28-10-2026

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

Judicial Magistrate Court,
Sholinganallur.

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N.ANAND VENKATESH J.

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