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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 7333 of 2026

and CMP Ns.31588 and 31882 of 2026

CNR: {HCMA012469242026}

Case QR

1. Balasoundarrajan
   S/o Devendiran,
   South Street, Devangudi,
   Virudhachalam Taluk,
   Cuddalore District- 606 103.

2. Padmavathi,
   W/o Devendiran,
   South Street,
   Devangudi,
   Virudhachalam Taluk,
   Cuddalore District- 606 103.

3. Jayabharathi,
   W/o Vijayasarathi,
   Kammapuram,
   Virudhachalam Taluk,
   Cuddalore District- 606 103.

4. Vijayasarathi,
   Kammapuram,
   Virudhachalam Taluk,
   Cuddalore District- 606 103.

..Petitioner(s)

Vs

1. Shobana
   W/o Balasoundarrajan,
   D/o Raja,
   D.No.1/174B, Main Road,
   Arasur, Sirkazhi Taluk,
   Mayiladuthurai District.

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2. Nithin,
S/o Balasoundarrajan,
residing at Door No.1/174B, main Road,
Arasur, Sirkazhi Taluk,
Mayiladuthurai District.
(and represented by his mother and natural guardian, the 1st Respondent)

3. Divyadharshan,
S/o Balasoundarrajan,
residing at Door No.1/174B, Main Road,
Arasur, Sirkazhi Taluk,
Mayiladuthurai District.
(and rep.by his mother and natural guardian, the 1st Respondent)

4. Kanimozhi,
W/o balasoundarajan,
South Street,
Devangudi,
Virudhachalam Taluk,
Cuddalore District- 606 103.

5. Navamani,
S/o Devendiran,
South Street, Devangudi,
Virudhachalam Taluk,
Cuddalore District- 606 103.

..Respondent(s)

Prayer:-

Petition filed under Article 227 of the Constitution of India, to set aside the D.V.C.No.20 of 2026 on the file of the learned Judicial Magistrate, Sirkazhi insofar as the Petitioners herein are concerned and allow the above Civil Revision Petition and thus render justice.

For Petitioner(s): Mr Yuvaraj Harikhiran R
for Mr. B. Prashanth Nadaraj

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ORDER

This Civil Revision Petition has been filed under Article 227 of Constitution of India, seeking to set aside the D.V.C.No.20 of 2026 on the file of the learned Judicial Magistrate, Sirkazhi, insofar as the Petitioners are concerned.

2. The respondents 1 to 3 have initiated proceedings under the Domestic Violence Act against the petitioners and the respondents 4 and 5 sought for various reliefs. In this petition, the 1st petitioner is the husband, the 2nd petitioner is the mother-in-law, the 3rd petitioner is the sister-in-law and the 4th petitioner is the husband of the 3rd petitioner. According to the petitioners, they have been added as parties only to harass them and the proceedings initiated by the respondents 1 to 3 is an abuse of process of law. Accordingly, the petitioners have sought for striking of the proceedings insofar as the petitioners are concerned.

3. Heard the learned counsel for the petitioners and this Court carefully perused the materials available on record.

4. In the considered view of this Court, the grievance that has been expressed by the petitioners can be worked out before the Court below. If

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according to the petitioners 2 to 4, they have been arrayed as parties without any material, they can seek for striking off their names from the array of respondents 1 to 3.

5. Insofar as the defence raised by the 1st petitioner is concerned, it has to be raised only before the Court below since the 1st petitioner is the husband.

6. 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 2 to 4 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 names deleted from the array of Respondents if they have been improperly joined as parties. For this

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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."

7. 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 a patent lack of jurisdiction. That is not the case here and the grievance expressed by the petitioners 2 to 4 can be dealt with by the Court before which the Domestic Violence proceedings are pending.

8. In the light of the above discussion, it is left open to the petitioners 2 to 4 to move an appropriate application before the learned Judicial Magistrate, Sirkazhi, seeking to delete their names from the array of respondents and the same shall 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 1 to 3 to file counter. The petitioners 2 to 4 shall be permitted to be represented through counsel and their presence is dispensed with.

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9. This Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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

Judicial Magistrate, Sirkazhi

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N.ANAND VENKATESH, J.

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