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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.6963 of 2026
and
C.M.P.No.29947 of 2026

Case QR

CNR: {HCMA012484832026}

1. Rajeshwari
   W/o.Late Rajappan

2. Muthu Kamban
   S/o.Late Rajappan

..Petitioners

Vs

1. Santhi
   D/o.Murugan

2. MGR Prabu
   S/o.Late Rajappan

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India seeking to strike out the petitioners in the D.V.C.No.34 of 2026 pending on the file of learned Judicial Magistrate, Mahila Court (Magistrate Level) at Puducherry.

For Petitioners : Mr.P.Chinnasamy

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ORDER

This Civil Revision Petition has been filed challenging the proceedings in D.V.C.No.34 of 2026 on the file of learned Judicial Magistrate, Mahila Court (Magistrate Level) at Puducherry and to strike off the proceedings.

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2. The first respondent initiated proceedings under the Domestic Violence Act against the second respondent and petitioners, who are the husband, mother-in-law and brother-in-law and had sought for various reliefs.

3. The present revision has been filed on the ground that a false complaint has been given and all the family members have been roped in as parties and therefore, initiation of domestic violence proceedings is an abuse of process of law, which requires the interference of this Court.

4. Heard learned counsel for petitioners and carefully perused the materials available on record.

5. The petitioners have taken a stand that they have nothing to do with the dispute between the respondents and they have all been roped in only with a view to harass them without there being any cause of action against them.

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 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:

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> "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 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 by striking down 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 petitioners can be dealt with by them before whom the Domestic Violence proceedings are pending.

8. In the light of the above discussion, it is left open to the petitioners to move an appropriate application before the learned Judicial Magistrate, Mahila Court (Magistrate Level) at Puducherry, seeking to delete their names 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 first respondent to file a counter. The petitioners shall be permitted to be represented through counsel and their presence is dispensed with.

N.ANAND VENKATESH, J.

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

Consequently, connected miscellaneous petition is closed.

04-11-2026

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

To
The Judicial Magistrate,
Mahila Court (Magistrate Level),
Puducherry.

Civil Revision Petition No.6963 of 2026

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