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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. 7334 of 2026

and CMP No.31592 of 2026

CNR: {HCMA012641892026}

Case QR

M.Ashok Kumar
S/o. Misrilal,
No.9/A, 1st Floor,
Alamaram Street,
Tiruttani,
Tiruvallur Dt 631 209.

..Petitioner(s)

Vs

1. N. Madhumitha
   W/o. Late. Nirmal Kumar,
   Iyer Street,
   Kanakammachatram,
   Tiruttani Taluk,
   Tiruvallur Dt 631 204.

2. M. Sajjan Raj
   S/o. Misrilal,
   M.P.S. Salai,
   Tiruttani,
   Tiruvallur Dt 631 209.

3. M. Subash Chandra Bose
   S/o. Misrilal,
   M.P.S. Salai,
   Tiruttani,
   Tiruvallur Dt 631 209.

4. M. Dilli @ Dilip Kumar
   S/o. Misrilal,
   M.P.S. Salai,
   Tiruttani,
   Tiruvallur Dt 631 209.

..Respondent(s)

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Prayer:-

Petition filed under Article 227 of the Constitution of India, to call for the records in DVC No. 10 of 2022 on the file of the Court of the Judicial Magistrate, Tiruttani and strike off the same as against the Petitioner and pass such further or other orders as this Honble Court.

For Petitioner(s): Mr.M. Sunny Sheen
for Ms. Anish Gopi

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to call for the records in DVC No. 10 of 2022 on the file of the Judicial Magistrate, Tiruttani and strike off the same as against the Petitioner.

2. The 1st respondent initiated proceedings under the Domestic Violence Act against the petitioner and respondents 2 to 4 sought for various reliefs. In this petition, the petitioner is the Father in law. According to the petitioner, he has been added as party only to harass him and the proceedings initiated by the 1st respondent is an abuse of process of law. Accordingly, the petitioner has sought for striking of the proceedings insofar as the petitioner is concerned.

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3.Heard the learned counsel for petitioner and this Court 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 petitioner 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 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."

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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 learned Judicial Magistrate, Tiruttani, seeking to delete his name from the array of 2nd respondent/petitioner 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 1st respondent/complainant to file a counter. The petitioner shall be permitted to be represented through counsel and his presence is dispensed with.

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

24-11-2026

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

Judicial Magistrate, Tiruttani.

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N.ANAND VENKATESH, J.

KP

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