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CRP No.6577 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6577 of 2025 and
CMP No.32542 of 2025**

1. T.Natarajan
S/o.Thangavel Velar, Star City Nagar,
Vilamal, Thiyanapuram,
Thiruvarur Taluk and District.

2. N.Tamilselvi
W/o.Natarajan, Star City Nagar,
Vilamal, Thiyanapuram,
Thiruvarur Taluk and District.

Petitioner(s)

Vs

1. M.Ishvarya
W/o.Murugaraj, No.49, Main Road,
Vadakarai, Tiruvarur Taluk and District.

2.N.Murugaraj, s/o Natarajan

3.N.Surya, w/o.Jayakumar,
Respondents 2 and 3 residing at
Star City Nagar, Vilamal,
Thiyanapuram, Thiruvarur Taluk and
District.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the proceedings against the petitioners in DV.No.7 of 2025 on the file of the Judicial Magistrate (Additional Mahila Court) Tiruvarur as gross abuse of legal process, frivolous, scandalous and vexatious.

For Petitioner(s): M/s.S.Parthasarathi



ORDER

This civil revision petition is filed seeking to strike off the complaint preferred against the petitioners by the first respondent under the provisions of the Domestic Violence Act.

2. The petitioners are parents in-law and the 2nd respondent is husband and the third respondent is sister in law of the first respondent. The first respondent preferred a complaint in DV No.7 of 2025 against the petitioners and the respondents 2 and 3. The learned counsel for the petitioners would submit that the averments contained in the complaint are abuse of process of law and the first respondent never lived in a shared household with the petitioners and therefore, the complaint made by the first respondent is not maintainable.

3. In view of the Law settled by this Court in *Arul Daniel and Others Versus Suganya* reported in (2022) SCC Online Mad 5435, if the petitioners are aggrieved by the initiation of the proceedings under the Domestic Violence Act, it is for them to move the very same Magistrate raising preliminary objections like absence of shared household, domestic violence, etc. The relevant observation of Full Bench reads as follows:-



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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.*

Hence, this court is not inclined to exercise its Supervisory Power available under Article 227 of Constitution of India to strike off the complaint.

4. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. The petitioners are at liberty to move the concerned Magistrate for getting appropriate remedy as per law laid down in **Arul Daniel case**. Taking into consideration the proceedings initiated before learned Magistrate is



predominantly civil in nature, the personal appearance of the petitioners during enquiry before Magistrate is dispensed with, unless their personal appearance is absolutely necessary. Connected miscellaneous petition is closed.

02.01.2026

Internet: yes
Index: Yes/No
Neutral citation: Yes/No
MST

To

The Judicial Magistrate,
Additional Mahila Court,
Tiruvarur.



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S.SOUNTHAR, J.

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