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CRP.No.6482 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 6482 of 2025

1. J.Jayaprakash
S/o.Jayaraman, D.No.3/72A, Saratha
College Main Road, Azhagapuram,
Salem Dist.

2. J.Lavanya
W/o.Jayaprakash, D.No.3/72A, Saratha
College Main Road, Azhagapuram,
Salem Dist.

Petitioner(s)

Vs

1. Renuga
W/o.Jayaraman, D.No.3/72A, Saratha
College Main Road, Azhagapuram,
Salem Dist.

2.J.Raviprakash
S/o.Jayaraman, D.No.3/72A, Saratha
College Main Road, Azhagapuram,
Salem Dist.

3.J.Kavitha
W/o.Raviprakash, D.No.3/72A,
Saratha College Main Road,
Azhagapuram, Salem Dist

Respondent(s)



CRP.No.6482 of 2022

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records pertaining to the case in DVC.No. 54/2022 on the file of Judicial Magistrate, Additional Mahila Court, Salem and quash the same.

For Petitioner(s): Mr. C.Deepakkumar

ORDER

This Civil Revision Petition is filed, challenging the complaint preferred by the first respondent under the provisions of Domestic Violence Act in DVC No.54 of 2022.

2. The first petitioner is son of one Jayaraman and the 2nd petitioner is wife of first petitioner. The first respondent, claims herself as wife of the above said Jayaraman, filed the said complaint under the provisions of Domestic Violence Act seeking protection order and also for compensation.

3. The learned counsel for the petitioners would submit that the 2nd respondent herein, the brother of first petitioner, filed a civil suit in O.S.No.200 of 2021 seeking cancellation of settlement deed executed by the said Jayaraman in favour of the first respondent and suppressing the same, the first



respondent has preferred the present complaint against the petitioners. He further submitted that the disputes between the parties are purely civil in nature and in order to give criminal colour to the disputes, the first respondent has preferred the said complaint under the provisions of Domestic Violence Act.

4. A perusal of the complaint preferred by the first respondent would indicate that she has not claimed any property right and she only seeks a protection order and compensation under the provisions of Domestic Violence Act. Therefore, mere pendency of the said suit filed by the 2nd respondent would not bar the complaint preferred by the first respondent under the provisions of Domestic Violence Act. If the petitioners feel that the complaint preferred by the first respondent is not at all maintainable and the Magistrate ought not to have issued process to the petitioners, it is always open to them to file appropriate petition before the concerned Magistrate raising preliminary issues, as per the law settled by the Full Bench of this Court in ***Arul Daniel and Others Versus Suganya*** reported in (2022) SCC Online Mad 5435. The relevant observation of Full Bench reads as follows:-

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.

5. 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

4/6



CRP.No.6482 of 2025

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.

02.01.2026

Internet : Yes

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Neutral Citation: Yes/No

MST

To

The Judicial Magistrate,
Additional Mahila Court, Salem.



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