



C.R.P.No.20 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.20 of 2026
and CMP.Nos.33 and 34 of 2026

1.Jhansi Lakshmi
2.Sreekala

... Petitioners

vs.

1.V.Shyamala
2.Kushwanth

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records pertaining to DVC.No.2 of 2025, on the file of the Judicial Magistrate No.II, Hosur and strike out the petitioners 1 and 2 name from the Domestic Violence Complaint as abuse of process of law and by allowing the present Civil Revision Petition.

For Petitioners : Mr.G.Sasikannan

ORDER

The Civil Revision Petition is filed seeking to strike off the complaint preferred by the first respondent and to delete the names of the petitioners from the array of parties in the Domestic Violence case filed by the first respondent in DVC.No.2 of 2025.



C.R.P.No.20 of 2026

2. The petitioners are the mother-in-law and sister-in-law of the first respondent.

3. It is the case of the petitioner that the first respondent left the matrimonial home on 24.08.2024 and filed a Domestic Violence Complaint against the petitioners after eight months and the same have been preferred just to harass the petitioners. It is further stated that the averments contained in the complaint preferred by the first respondent do not constitute any cause of action against the petitioners and hence the learned Magistrate ought not have issued process to the petitioners.

4. The Full Bench of this Court in the case of *Arul Daniel and Others Versus Suganya* reported in (2022) SCC OnLine Mad 5435 held that any person aggrieved by the process issued by the Magistrate can go before the very same Magistrate and raise preliminary objections with regard to the issues like existence of a shared household/ domestic relationship etc., If any order is passed, the aggrieved person can also take recourse to an appeal under Section 29 of the Domestic Violence Act. The relevant portion 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.

5. In view of the availability of alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, the Hon'ble Apex Court in the case of **Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society** reported in



C.R.P.No.20 of 2026

MANU/SC/1365/2019 held that availability of alternative remedy before regular Courts, is near total bar for exercise of supervisory power by High Court. Hence, I am not inclined to interfere in revision.

6. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioners to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in **Arul Daniel** case cited supra.

7. The complaint preferred by the 1st respondent seeking various orders under Sections 12, 18(d), (e) and (f), 19(f), 20(i) (b) and (d), 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, are predominantly civil in nature and therefore, this Court is inclined to dispense with the personal appearance of the petitioners before the Judicial Magistrate No.II, Hosur, unless their presence is absolutely necessary. No costs. Consequently, the connected civil miscellaneous petitions are closed.

07.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
ub



C.R.P.No.20 of 2026

WEB COPY

To

The Judicial Magistrate No.II,
Hosur.



WEB COPY



C.R.P.No.20 of 2026

S.SOUNTHAR, J.

ub

C.R.P.No.20 of 2026

07.01.2026