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CRP No. 238 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 238 of 2026 and

CMP Nos.1069 and 1071 of 2026

1. Selva Vignesh
S/O. J.Venkatesan,
No. C318/1, Jagannathan Salai,
Periyar Nagar,
Chennai - 600082.
2. J.Venkatesan
S/O. J.Venkatesan,
No. C318/1, Jagannathan Salai,
Periyar Nagar,
Chennai - 600082

..Petitioner(s)

Vs

M.Kavitha
W/O. Selva Vignesh,
No.8/170-A, Ambika Street,
Golden George Nagar,
Mogappair East, Chennai - 600107.

..Respondent(s)

Prayer: Civil Revision petition filed under Article 227 of Constitution of India to call for the records in DVC No.150/2022 on the file of the Additional Mahila Court, Egmore, Chennai and quash the same.

For Petitioner(s): Ms.D.Kamatchi



ORDER

This Civil Revision Petition is filed seeking to quash the complaint in DVC No.150 of 2022 preferred by the respondent against the petitioners under the provisions of the Domestic Violence Act.

2. The first petitioner is husband and the 2nd petitioner is father in-law of the respondent. The respondent filed the above said complaint against the petitioners as well as the mother of the first petitioner.

3. The learned counsel for the petitioners would submit that the complaint preferred by the respondent is only a counterblast to the petition filed by the first petitioner seeking divorce in HMOP No.4297 of 2022. It is further submitted by her that the allegations contained in the complaint of the respondent are very vague and omnibus and based on those omnibus allegations, the Magistrate ought not to have issued process against the petitioners.

4. 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 issues. 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.



5. Accordingly, this civil revision petition is dismissed. 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. There shall be no order as to costs. Connected miscellaneous petitions are closed.

22-01-2026

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

MST

To

The Additional Mahila Court,
Egmore, Chennai.



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S.SOUNTHAR, J.

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