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C.R.P.No.13 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.13 of 2026
and CMP.Nos.25 and 26 of 2026

1.C.Ramesh
2.Chandrasekar
3.Lakshmi
4.Sasikala
5.M.Vinayagam
6.Saraswathi
7.M.Duraibabu
8.Sharmila

... Petitioners

VS.

S.Ravathi

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the proceedings pending in the DVC.No.14 of 2025 on the file of the learned Judicial Magistrate -II, Ponneri, Thiruvallur.

For Petitioners : Mr.M.Marimuthu



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ORDER

The Civil Revision Petition is filed seeking to quash the complaint preferred by the respondent under the provisions of the Protection of Women from Domestic Violence Act, 2005

2. The petitioners herein is the husband and in-laws of the respondent.

3. The learned counsel for the petitioners submits that the first petitioner filed petition for divorce on the ground of cruelty against the respondent in HMOP.No.85 of 2024 on the file of the Subordinate Court, Maduranthagam and as counter a blast, the respondent herein filed a compliant under the Domestic Violence Act with false allegations. It is further stated that the respondent has been living separately from 01.07.2024 and the present complaint under the provisions of Domestic Violence Act is nothing but abuse of process of law.

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 **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 Section 22 of the Protection of Women from Domestic Violence Act, 2005, are predominantly civil in nature and therefore, this



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Court is inclined to dispense with the personal appearance of the petitioners before the Judicial Magistrate -II, Ponneri, Thiruvallur, 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
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To

The Judicial Magistrate -II, Ponneri,
Thiruvallur.



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S.SOUNTHAR, J.

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