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CRP No.6634 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6634 of 2025 and
CMP Nos.32923 and 32924 of 2025**

1. Akbar, S/o. Mytheen,
 2. Jemela, W/o. Mytheen,
 3. Kadar Basha, S/o. Mytheen,
 4. Pathima, D/o. Mytheen,
- Respondents 1 to 4 are residing at
Door No.18/23, Ganguvar Street,
Periyanaickenpalayam,
Coimbatore-641 020.

Petitioner(s)

Vs

1. Ashra Fathima
W/o. Akbar, D/o. Abuthahir, Door
No.140, Gandhi Nagar, Kottaipudhur,
Ukkadam, Coimbatore-641 001.

2. Mytheen, C/o. Jemela
Door No.18/23, Ganguvar Street,
Periyanaickenpalayam,
Coimbatore-641 020.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to strike off the complaint against the petitioners pending before the Learned Special Court for Trial of Domestic Violence Act Cases, Coimbatore in DVA No. 187 / 2025 dt. 02.08.2025.

For Petitioner(s): Mr. C.Ramkumar



ORDER

This civil revision petition is filed seeking to strike off the complaint preferred by the first respondent against the petitioners in DVA No.187 of 2025 under the provisions of the Domestic Violence Act.

2. The first petitioner is husband and the petitioners 2 to 4 are the mother in-law, brother in-law and sister in-law of the first respondent. The 2nd respondent herein is father in-law of the first respondent. It is the case of the petitioners that the allegations made in the complaint are very vague and hence, the Magistrate ought not to have issued process against the petitioners.

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 issues. 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,*



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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. 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.

05.01.2026

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

To

The Special Court for Trial of Domestic Violence Act Cases,
Coimbatore.



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S.SOUNTHAR, J.

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