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C.R.P.No.4566 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.No.4566 of 2025

and

C.M.P.No.23198 of 2025

Arifa

...Petitioner

-Vs-

Ayisha Beevi

...Respondent

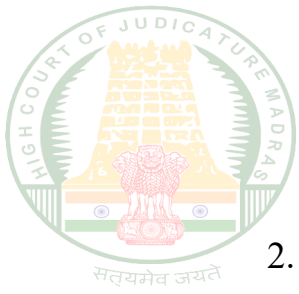
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to strike the plaint in domestic violence complaint in D.V.C.No.4 of 2025 pending on the file of the learned District Munsif Court cum Judicial Magistrate, Parangipettai.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Ms.M.A.Praveena

ORDER

This civil revision petition is filed seeking to strike the plaint in D.V.C.No.4 of 2025 pending on the file of the learned District Munsif Court cum Judicial Magistrate, Parangipettai. preferred by the respondent/mother-in-law against the petitioner under the provisions of the Domestic Violence Act.



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2. Learned counsel for the petitioner would submit that the petitioner is the daughter-in-law of the respondent and that they lived together happily till the year 2021. Thereafter, the petitioner started residing with her husband in a foreign country. It is further submitted that the allegations made in the complaint are not specific or sustainable and therefore do not fall within the definition of “domestic violence” under Section 3 of the Domestic Violence Act.

3. 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 learned Magistrate can go before the very same learned Magistrate, raising preliminary objections. 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 observation of the 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



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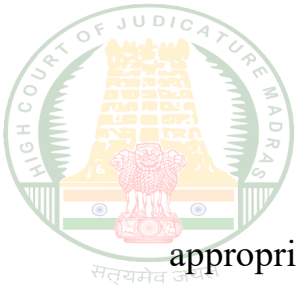
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recalled, will not apply to a proceeding under the D.V. Act.

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 the Constitution of India to strike the plaint of the respondent in the complaint.

4. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected, civil miscellaneous petition is closed. The petitioner is at liberty to move the concerned learned Magistrate for getting



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appropriate remedy as per the law laid down in *Arul Daniel case*.

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S.SOUNTHAR, J.

cda

5. Taking into consideration the proceedings initiated before the learned Magistrate is predominantly civil in nature, the personal appearance of the petitioner during enquiry before the learned Magistrate is dispensed with, unless her personal appearance is absolutely necessary.

04.12.2025

cda

To

The District Munsif Court cum Judicial Magistrate,
Parangipettai.

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