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CRP.No.5892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5892 of 2025 and
CMP No.29107 of 2025**

1. KRISHNAN

S/o. Late Thangavel, Residing at
No.958, Keezh Street, Kudimikudisai
Village, Vannankulam, Arani Taluk,
Tiruvannamalai District-632 315.

2. Deepa

W/o. Krishnan Residing at No.958,
Keezh Street, Kudimikudisai Village,
Vannankulam, Arani Taluk,
Tiruvannamalai District-632 315.

Petitioner(s)

Vs

1. SUBBULAKSHMI alias KAVIYA

W/o. Sathish Kumar, D/o. Jayakumar,
Residing at No.37/1, Asha Street,
Arcot, Ranipet District-632 503.

2.Minor Athish Kumar

1/7



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S/o. Sathish Kumar
Rep by his mother Subbulakshmi,
No. 37/1, Aysha Street,
Arcot, Ranipet Dist.

3.Sathish Kumar
S/o. Krishnan, Residing at No.958,
Keezh Street, Kudimikudisai Village,
Vannankulam, Arani Taluk,
Tiruvannamalai District-632 315.

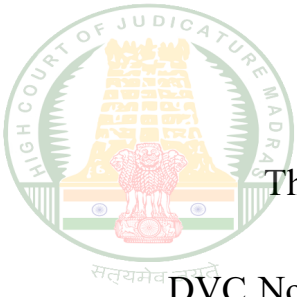
4.Mandhira
W/o. Karthik D.No. 874, Vaniya St,
Thanigaipolur, Arakkonam Taluk
Ranipet Dist 631101

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 226 of Constitution of India to stuck off of further proceeding pertaining to the D.V.C. No. 14 / 2025 on the file of the Learned Judicial Magistrate - Arcot, Ranipet Dist.

For Petitioner(s): Mr. R.Ramesh

ORDER



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The Civil Revision Petition is filed seeking to strike off the complaint in

DVC No.14 of 2025 on the file of Judicial Magistrate, Arcot, Ranipet District

preferred by the first respondent under the provisions of the Domestic Violence

Act against the petitioners herein.

2. The petitioners herein are parents in-law of the first respondent. The third respondent is husband and the 4th respondent is sister in-law of the first respondent.

3. The learned counsel for the petitioners would submit that the first respondent has not sought for any relief as against the petitioners, who are her parents in-law and therefore, they need not be impleaded as party in the complaint filed by the first respondent.

4. According to the petitioners, no relief is sought for against them in the



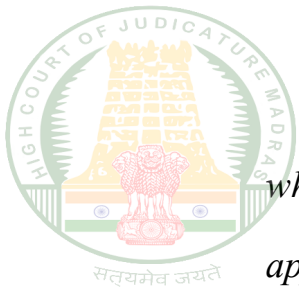
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complaint preferred by the first respondent and hence, the complaint has to be struck off as against the petitioners. In view of the law settled by the Full

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Bench of 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 objections. 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, 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.,*



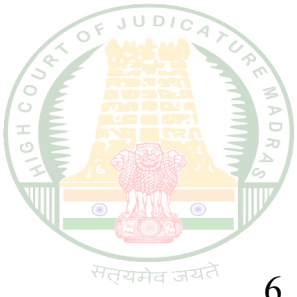
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which form the jurisdictional basis for entertaining an application under Section 12, can be determined as a preliminary issue, in appropriate cases. Any person aggrieved by such an order may also take recourse to an appeal under Section 29 of the 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. There shall be no order as to costs. Connected miscellaneous petitions are closed. The petitioners are at liberty to move the concerned Magistrate for getting appropriate remedy as per the law laid down in **Arul Daniel case**.



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6. 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.

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Internet : Yes

Index : Yes / No

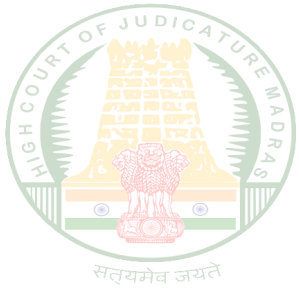
Neutral citation: Yes

MST

To

The Judicial Magisterial, Arcot,

Ranipet District.



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S.SOUNTHAR, J.

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