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Arun Kumar vs Suganthi

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Court : Chennai Orders

Decided On : Nov-19-2025

Judge : Honourable Mr.Justice S. Sounthar

Appeal No. : CRP/759/2025

Appellant : Arun Kumar

Respondent : Suganthi

Judgement :

DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR CRP No.759 of 2025 and CMP No.4329 and 4330 of 2025

1. Arun Kumar 2 . Sargunam

3. Jaishankar Petitioner(s)

Vs. Suganthi Respondent(s) PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records inpursuant to the DVC No.20 of 2024 on the file of the Judicial Magistrate, Additional Mahila Court, Vellore, Vellore District and quash the same. For

Petitioner(s): Mr.M.Sathishkumar For Respondent(s) : Mr.Y.Kajanivas

ORDER

1 of 7 This civil revision petition is filed challenging the complaint preferred by the respondent/wife under the provisions of the Domestic Violence Act.

2. The first petitioner is husband of the respondent. The 2nd petitioner is

mother in-law and 3rd petitioner is brother in-law of the respondent. The petitioners filed this civil revision petition seeking to strike of their name, mainly on the ground that the allegations made in the complaint are false and the same are not sufficient to take cognizance by the Magistrate to invoke the provisions under Domestic Violence Act.

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:- 2 of 7

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. 3 of 7

4. Accordingly, this civil revision petition is dismissed. There shall be no

order as to costs. Connected miscellaneous petitions are closed. The petitioners

is at liberty to move the concerned Magistrate for getting appropriate remedy as per law laid down in Arul Daniel case.

5. 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. 19.11.2025 Internet: yes Index: Yes/No Neutral citation: Yes/No MST To The Judicial Magistrate Additional Mahila Court, Vellore. 4 of 7 5 of 7

S.SOUNTHAR, J.

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