



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) Nos.7234 and 7579 of 2017  
and

Cr1.M.P. (MD) Nos.4943 and 5189 of 2017

**Crl.O.P. (MD) No.7234 of 2017**

V.Kiruba : Petitioner/Petitioner  
-Vs-

Christy Deborah : Respondent/Respondent

**PRAYER:** Petition is filed under Section 407 of the Criminal Procedure Code praying to withdraw and transfer of Maintenance Case No.81 of 2015 on the file of the Court of Family Court Judge, Trichy to the competent Court having jurisdiction at Madurai.

**Crl.O.P. (MD) No.7579 of 2017**

V.Kiruba : Petitioner/1<sup>st</sup> Respondent

-Vs-

1.Christy Deborah : 1<sup>st</sup> Respondent/Petitioner

2.Jasmine Chandra

3.Ujaila Manonmani

4.Vedhapriya

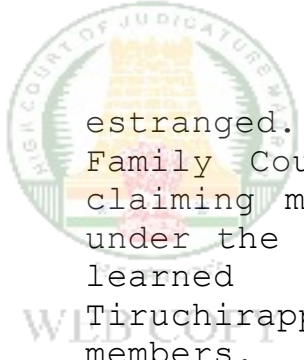
5.Rubella : Respondents 2-5/Respondents 2-5

(Respondents 2 to 5 are given up)

**PRAYER:** Petition is filed under Section 407 of the Criminal Procedure Code praying to withdraw the Domestic Violence Case No.26 of 2016 from the file of the Judicial Magistrate, Additional Mahila Court, Tiruchirappalli and transfer the same to the competent Court having jurisdiction at Madurai.

For Petitioner : Mrs.J.Maria Roseline  
in both petitions for Mr.V.Madurai Veeran

**COMMON ORDER**



estranged. Christy Deborah filed M.C.No.81 of 2015 before the Family Court, Trichy under Section 125 Cr.P.C. against Kiruba claiming maintenance. Admittedly, she has initiated proceedings under the Domestic Violence Act in D.V.C.No.26 of 2016 before the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli for various reliefs against Kiruba and his family members. While so, Kiruba is before this Court for transferring M.C.No.81 of 2015 and D.V.C.No.26 of 2016 from Trichirappalli District to Madurai District, on the short ground that Kiruba hails from Theni and is employed in Theni District and that he finds it very difficult to go every time to Trichirappalli District.

2. Heard the learned Counsel appearing for the petitioner.

3. The learned Counsel submitted that Kiruba is required to appear before the Family Court every time and that he is also required to appear before the Additional Mahila Court, Trichirappalli in connection with D.V.C.No.26 of 2016, which is causing inconvenience to him and loss of income. Hence, the learned Counsel submitted that it will be in the interest of justice, if both the cases are transferred to Madurai.

4. This Court gave its anxious considerations to the submissions of the learned Counsel for the petitioner.

5. Section 125 Cr.P.C. is a beneficial legislation to provide immediate relief to destitute women and children. Under Section 126 Cr.P.C., all proceedings under Section 125 Cr.P.C., can be initiated by the wife within the jurisdiction of the Court in which she lives. After getting estranged from Kiruba, Christy Deborah now lives in Trichirappalli and therefore, she has initiated proceedings under Section 125 Cr.P.C., before the Family Court, Trichirappalli, which cannot be said to be illegal.

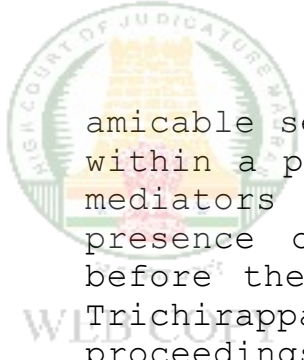
6. However, the learned Counsel appearing for the petitioner contended that if the parties are referred to the Mediation, there are possibilities of them arriving at a settlement. She also contended that the presence of all the relatives of Kiruba viz., the respondents 2 to 5 before the Additional Mahila Court, Tiruchirappalli in D.V.C.No.26 of 2016 may be dispensed with.

7. There appears to be some force in the submissions of the learned Counsel for the petitioner.

8. In view of the above, these two Criminal Original Petitions for transfer of the respective cases from Trichirappalli to Madurai are hereby dismissed. Consequently the connected

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Mediation centre service. The learned Judge, Family Court, Trichirappalli is directed to refer Christy Deborah and Kiruba to the local Mediation centre for arriving at an



amicable settlement. The mediation proceedings shall be completed within a period of three months from the date of reference to the mediators by the Judge, Family Court, Trichirappalli. The presence of the respondent Nos.2 to 5 in D.V.C.No.26 of 2016 before the learned Judicial Magistrate, Additional Mahila Court, Trichirappalli shall stand dispensed with until the mediation proceedings are completed before the Family Court, Trichirappalli. The Judge, Family Court, Trichirappalli shall mark a copy of the mediation proceedings to the Judicial Magistrate, Additional Mahila Court, Trichirappalli on its completion, so that the learned Magistrate can decide either to proceed further with the case or not, depending upon the outcome of the mediation proceedings.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Tiruchirappalli.
2. The Judicial Magistrate, Additional Mahila Court, Tiruchirappalli.

+1cc to Mr.V.Madurai Veeran, Advocate SR.No.62269

SSL

VB/MR/SAR1/10.07.2017/3P/4C

**CRL.O.P. (MD) Nos.7234 and 7579 of 2017**

**27.06.2017**