

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL WRIT PETITION NO. 206 OF 2018**

RANJANA PATIL @ RANAJANA S.  
THAKKANAVAR, THR. POA, UMASHRI S.  
PATIL.,

... Petitioner

Versus

SANTOSH SADASHIV THAKKANAVAR AND  
ANR.,

... Respondents

Ms. A. Agni, Senior Advocate with Ms. J. Sawaikar, Advocate  
for the petitioner.

Shri J. Kittur, Advocate for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 18th December 2018

P.C.:

Heard Ms. A. Agni, learned Senior Counsel and perused the written submissions placed on record on behalf of Shri J. Kittur, learned Advocate for the respondents.

2. It is apparent from the tenor of the petition moved on behalf of the petitioner that the Trial Judge virtually prevailed on the petitioner and compelled her to join the respondent in the matrimonial house and also to withdraw the proceedings against him which cannot by any stretch of the imagination be considered to be an act which the Presiding Judge had done to be within the fold of a positive act of bringing about or negotiating a settlement between the parties. The conduct of the Presiding

Judge has created an apprehension in the mind of the petitioner that she would not get justice and this aspect was totally lost on the learned Sessions Judge while deciding the proceedings before him. The objections raised on behalf of the respondents to the transfer application are not in consonance with what transpired before the learned JMFC. Moreover, there was no categorical denial of the facts that the parties were called by the learned Judge to her chamber and that she had prevailed upon the petitioner to join the respondents in the matrimonial house despite her pleadings that she was being physically abused and assaulted and subjected to a lot of ill-treatment at the hands of the respondents.

3. There was also no denial of the fact that the learned Trial Judge had prevailed on the petitioner to withdraw the proceedings against the respondents which cannot at all be countenanced as a positive step in working towards a harmonious settlement between the parties. There appears good ground to the petitioner to seek for a transfer of the proceedings from the JMFC 'F' Court Margao to any other Court of competent jurisdiction to deal with the matter. Moreover, i am also persuaded to conclude so considering the judgment in Usamangani Adambhai Vahora v/s. State of Gujarat and Anr. (Criminal Appeal No.1592-1593 of 2015) relied upon by Ms. Agni, learned Senior Counsel.

4. In view thereof, the petition is allowed and the proceedings pending before the JMFC i.e. DVA No.30/2017/F is withdrawn and a direction issued to the learned Chief Judicial Magistrate, Margao to assign it to any other JMFC in Margao. The order passed by the learned Sessions Judge is hereby quashed and set aside. The petition accordingly stands disposed off. The JMFC is directed to disposed off the proceedings as expeditiously as possible and in any event by 1st March,2019.

NUTAN D. SARDESSAI, J.

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