

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.17031 of 2018

1.R.Suresh Gopal
2.V.K.Rajagopal
3.R.Gandhimathi Rajagopal
4.Rajmathi Chitra
5.Venugopal
6.Prem Gopal

.... Petitioners

Vs.

Kumudha
Rep. by her father Guardian
Next friend Asokan

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw the D.V.O.P.No.68 of 2015 pending on the file of Addl. Mahila Court, Salem, to transfer the same to Judicial Magistrate-II, Poonamallee directing to dispose the same on merits.

For Petitioners : Mr.R.Sampath

O R D E R

This Criminal Original Petition has been filed seeking direction to transfer D.V.O.P.No.68 of 2015 from the file of the Addl. Mahila Court, Salem to the file of the Judicial Magistrate Court-II, Poonamallee.

2.Heard the learned counsel for the petitioners and perused the materials placed on record.

3.For the sake of convenience, the parties will be referred to by their name. Kumudha got married to Suresh Gopal on 27.08.2006 and they have two children through the wedlock. Admittedly, Kumudha is deaf and dumb and it is her contention that Suresh Gopal and his family members have driven her away from her matrimonial home. Hence, she has initiated proceedings in D.V.O.P.No.68 of 2015 before the Additional Mahila Court, Salem claiming various reliefs against Suresh Gopal and his family members. While so, Suresh Gopal and his family members have filed the present petition for transferring D.V.O.P.No.68 of 2015 from Salem to Poonamallee.

4.Learned counsel for Suresh Gopal submitted that Suresh Gopal suffers from 100% disability and therefore, he finds it very difficult to go to Salem for all the hearings.

5.The fact remains that Suresh Gopal has engaged a counsel, who has filed various petitions before the trial Court. A proceeding under the Domestic Violence Act is quasi criminal in nature and it is not necessary for Suresh Gopal to appear for all the hearings personally. Under such circumstances, this Court is of the view that this is not a fit case to transfer the proceeding in D.V.O.P.No.68 of 2015 from Salem to Poonamallee. However, the trial Court may liberally consider the application filed by Suresh Gopal for dispensing with his personal appearance, provided he gives an undertaking that he will not dispute his identity and that his counsel will cross-examine the witnesses on the day they are examined in-chief.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Addl. Mahila Court,
Salem.

2.The Judicial Magistrate Court-II,
Poonamallee.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R. Sampath, Advocate Sr. 43319

Cr1.O.P.No.17031 of 2018

VBA (CO)

EU(13/07/2018)