

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1873 of 2019

and

Crl.M.P.No.1158 of 2019

1.L.Srinivasan

2.Poongothai

3.Loganathan

4.Mrs.Janaki Petitioners

Vs.

1.Mrs.Sangeetha

2.The Protection Officer,
Domestic Violence Act,
District Social Welfare Office,
District Collectors Office Complex,
Singaravelar Maligai, 8th Floor,
Rajaji Salai, Chennai - 600 001. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the case in D.V.C.No.33 of 2016 from the Mahila Court, Egmore, Chennai - 600 008 to any other Court of competent jurisdiction, Chennai.

For Petitioners : Mr.P.Rathinavel

O R D E R

This Criminal Original Petition has been filed seeking for transfer of the case in D.V.C.No.33 of 2016, on the file of the Mahila Court, Egmore.

2.The learned counsel for the petitioners submitted that the marriage between the first petitioner and the respondent has broken irretrievably. Therefore, there is no scope for the parties again live together. However, it is the complaint of the petitioners that the Court below is compelling the first

petitioner to live with the first respondent. The learned counsel also submitted that the Court below ought to have proceeded further with the case on merits and should not have compelled to the first petitioner to live with the respondent.

3.The ground raised by the petitioners is not good enough to order for a transfer. Each Judge deals with the case in a different manner and use a different technic in order to see if the parties can be brought together. Each word uttered by the Judge should not be taken seriously in order to Judge the neutrality of a Presiding Officer.

4.The Court below is directed to proceed further with the case purely on merits and in accordance with law and shall not insist the first petitioner to live with the first respondent, if the parties are not willing to live together.

5.This Criminal Original Petition is disposed of with the above observation. The Court below is directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

dh/rpl
To

1. The Protection Officer,
Domestic Violence Act,
District Social Welfare Office,
District Collectors Office Complex,
Singaravelar Maligai, 8th Floor,
Rajaji Salai, Chennai - 600 001.

2. The Judge,
The Mahila Court,
Egmore, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.Rathinavel, Advocate, S.R.No.6778

CrI.O.P.No.1873 of 2019

(CO)
SSM(12/02/2019)