



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11920 of 2021

Vanaja Dhanasekaran

... Petitioner

Versus

1.M.Dhanasekaran

2.C.Mani

3.Manikkammal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.I, Tambaram to take on file DVC.SR.No.1918 of 2021 and number the same.

For Petitioner : Ms.B.Poongkhulali

ORDER

This petition has been filed to direct the learned Judicial Magistrate No.I, Tambaram to take on file DVC.SR.No.1918 of 2021 and number the same.

2. The petitioner is the estranged wife of the first respondent and the second and third respondents are her in-laws. There is a matrimonial dispute between the petitioner and her husband. The petitioner filed a Domestic Violence complaint before the Judicial Magistrate No.I, Tambaram, by dropping it in the drop box on 15.06.2021 and he sent a e-mail on 23.06.2021 seeking status of the above complaint. But, the petitioner had no response from the Judicial Magistrate Court. On 01.07.2021, the petitioner appeared before the Judicial Magistrate No.I, Tambaram along with her counsel in-person and made submissions stating that she had filed a petition under Section 23(2) of the Protection of Women against Domestic Violence Act, 2005, but the case is yet to be taken on file. The petitioner was informed that the case was posted on 24.06.2021 at the "check and call" stage and owing to the Covid-19 pandemic lock down, the case was adjourned to 23.07.2021. The action of the Judicial Magistrate No.I, Tambaram in placing the bundle in the "check and call" stage is not proper, the Judicial Magistrate is not sensitive awake to the situation and the procedure established under the Protection of Women against Domestic Violence Act, 2005. For a similarly placed victim in WP.No.30750 of 2018, this Court by the order dated 23.01.2020 directed the Lower Court to entertain



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the application expeditiously. The relevant portion of the said order in paragraphs 5 and 6 reads as follows:-

"5. In the result, there shall be an order of ad-interim direction directing the jurisdictional Judicial Magistrate not to insist upon the report of the Protection Officer for passing appropriate orders under Section 12 of the Domestic Violation Act. The Registrar General after obtaining appropriate orders may also issue a circular to the Presiding Officers as to the procedure followed while entertaining application under Section 12 of the Domestic Violation Act.

6. It is also brought to the knowledge of this Court that under the guise of check and calling, the complaint has not taken cognizance and therefore, every endeavor shall be made by the Judicial Magistrate to entertain and number the application as expeditiously as possible without any loss of time."

3. In view of the same, the Judicial Magistrate No.I, Tambaram, is directed to number the application filed by the petitioner under the Domestic Violence Act, if it is otherwise in order. Thereafter, take up the matter for hearing without any further delay and pass such orders and the same should be informed to the the petitioner through e-mail.

4. With the above observations and directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dna

To

The Judicial Magistrate No.I, Tambaram.

+2ccs to M/s.B.Poongkhulali, Advocate SR.No. 33023

CRL.O.P.No.11920 of 2021

UM(CO)

B.VC(09.08.2021)