



C.R.P. (MD) No. 2431 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 2431 of 2023
and
C.M.P. (MD) No. 12606 of 2023

D.Sakratees

... Petitioner

Vs.

Gomathi

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to call for the proceedings of learned Principal District Judge, Tiruchirappalli, dated 13.04.2022 purporting to transfer in Crl.M.P. No. 1138 of 2020 (Family court, Tiruchirappalli in Crl.M.P. No. 41/2022) and Crl.M.P. No. 1349 of 2020 (Family Court, Tiruchirappalli in Crl.M.P. No. 40/2022) in D.V.C. No. 107 of 2016 then pending before Additional Mahila Court, Tiruchirappalli and was transferred to Family Court, Tiruchirappalli by Virtue of the said order and to set aside the said order dated 13.04.2022 therein as null and void so far as those Crl.M.P. are concerned.

For Petitioner : Mr. S.Jayavel

For Respondent : Mr. R.Vigneshwaran
For Mr.V.Nirmala Ram



C.R.P. (MD) No. 2431 of 2023

WEB COPY

ORDER

This Civil Revision Petition has been filed challenging the order of the learned Principal District Judge, Tiruchirappalli, dated 13.04.2022.

2. Heard Mr. S.Jayavel, Learned Counsel appearing for the Petitioner and the learned Counsel appearing for the Respondent and perused the materials available on record.

3. On an application in Crl.O.P.(MD) No. 20550 of 2021, filed by one Rajkumar, Advocate who was appearing in series of cases before the Additional Mahila Court, Tiruchirappalli, this Court, by order dated 22.12.2021, directed the Principal District Judge, Tiruchirappalli to transfer all the cases in which he was appearing to any other Court falling under Tiruchirappalli II Division.

4. In furtherance to the said order, the Principal District Judge, Tiruchirappalli, by proceedings dated 13.04.2022 had transferred the cases in Crl.M.P. No. 1138 of 2020 and Crl.M.P. No. 1349 of 2020 to the Family Court, Tiruchirappalli and also re-numbered as Crl.M.P. No. 41/2022 and Crl.M.P. No. 40/2022 respectively, as there was connected cases between the same parties in HMOP No. 35 of 2015 and O.S. No. 40 of 2015.



C.R.P. (MD) No. 2431 of 2023

WEB COPY

5. Subsequently, the Full Bench of this Court, in ***Arul Daniel and Others vs. Suganya*** (Crl.O.P. SR Nos. 31852 of 2022 etc., batch, dated 17.11.2022), has authoritatively pronounced that the application under Section 12 of the Domestic Violence Act, 2005 could be heard only before the Magisterial Court, as Section 27 of the Domestic Violence Act, 2005 is the sole repository of jurisdiction and the Magistrate is statutorily designated forum to try the offences under the said enactment.

6. In view of the aforesaid legal position, the order of the Principal District Judge transferring the matter to the Family Court, which is not a magisterial Court as per the order of this Court dated 22.12.2021 in Crl.O.P.(MD) No. 20550 of 2021, is not in order and hence, the same is set aside.

7. The cases in Crl.M.P. No. 1138 of 2020 and Crl.M.P. No. 1349 of 2020 to the Family Court, Tiruchirappalli and re-numbered as Crl.M.P. No. 41/2022 and Crl.M.P. No. 40/2022 respectively are again placed before the Principal District Judge, Tiruchirappalli, to take into consideration the dictum laid down by the Full Bench of this Court in ***Arul Daniel and Others vs. Suganya*** (Crl.O.P. SR Nos. 31852 of 2022 etc., batch, dated 17.11.2022) and pass orders



C.R.P. (MD) No. 2431 of 2023

withdrawing these cases from the Family Court and place the matters before any of the competent Criminal Court having jurisdiction over the matter in Tiruchirappalli Division. Such an exercise shall be completed within a period of 30 days from the date of receipt of a copy of this order.

8. In response to the query raised by this Court, it is accepted by both sides that after the order of transfer made by the Principal District Judge, Tiruchirappalli, no further proceedings has taken place before the Family Court, meaning thereby, status quo as it was existing from that time continues till date. Hence, nothing is required to be interfered with the proceedings in the interregnum. It shall be ensured that there is atleast one effective hearing every month showing progress of the case, and the Trial Court shall send monthly reports to the Registrar (Judicial) of this Court till the final order is passed.

9. This Civil Revision Petition is disposed on the aforesaid terms. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2026

Index : Yes/No
NCC : Yes/No
Indu



C.R.P. (MD) No. 2431 of 2023

Copy to

1. The Principal District Judge, Tiruchirappalli.
2. The Family Court, Tiruchirappalli.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P. (MD) No. 2431 of 2023

N.SENTHILKUMAR, J.

Indu

C.R.P. (MD) No. 2431 of 2023

20.01.2026