



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No.24 of 2026

An application under section 447 of the BNSS, 2023.

Sini Ugarsandi and another Petitioners

-Versus-

Shiba Singh and others Opp. Parties

Advocates appeared in the case:

For Petitioners : Mr. Rajib Lochan Pattnaik,
Advocate

For Opp. Parties :

CORAM:
THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Decided on 25th March, 2026

MRUGANKA SEKHAR SAHOO, J.

1. The petitioners are before this Court seeking transfer of the proceeding pending before the learned J.M.F.C., Rairangpur in CMC No.249 of 2024.

2. In the proceeding, the petitioner-wife in the marriage who has given her address at Paradeep, Dist-Jagatsinghpur and that is also the address of the minor son aged about six



years at the time of filing of the petition. They have given their address to be residing at Chahalapada, Po-Tikhia, Ps-Bahalda, Dist-Mayurbhanj.

3. The petition before the learned J.M.F.C. was filed under section 12 read with sections 18, 19, 20 and 21 of the Protection of Women from Domestic Violence Act, 2005. It is stated in the petition that the petitioner mother and minor son belong to the “HO”, a ‘Scheduled Tribe’ Community.

The father-in-law and mother-in-law of the petitioner have been arrayed as opp. parties in the petition CMC No.249 of 2024. The address of the Opp. Party No.1-husband is given at Paradeep, Dist-Jagatsinghpur wherein the address of the Opp. Party Nos.2 & 3 have been given at Mayurbhanj.

4. It is further apparent that the Opp. Parties have entered appearance and filed their show cause before the learned J.M.F.C., Rairangpur. At paragraph 18, the following has been stated:

“18. That the petitioner is able to earn his livelihood and now she is serving as nursing staff and deputed at C.H.C., Talcher and getting her salary not less than Rs.30,000/- (Rupees Thirty Thousand) only per month.”

5. Now, petition filed under section 447 of BNSS, 2023 is the subject matter to be considered by this Court.

Learned counsel for the petitioners is heard at length, *inter alia*, he submits that after a report is made under



section 12(1) to the learned Magistrate, the petition can be transferred to be considered by any other Magistrate.

6. The objects and reasons of the Protection of Women from Domestic Violence Act, 2005 would be relevant for adjudication of the present *lis* and are reproduced herein:

“An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.”

7. The definition clause provides the following:

*“(e) **“Domestic incident report”** means a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person;*

*(i) **“Magistrate”** means the Judicial Magistrate of the first class, or as the case may be, the Metropolitan Magistrate, exercising jurisdiction under the Code of Criminal Procedure, 1973(2 of 1974) in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place;*

*(m) **“prescribed”** means prescribed by rules made under this Act;*

*(n) **“Protection Officer”** means an officer appointed by the State Government under sub-section (1) of section 8;*

*(o) **“protection order”** means an order made in terms of section 18;*

*(p) **“residence order”** means an order granted in terms of sub-section (1) of section 19;*

8. Perusal of the Act, as well as the objects and reasons, makes it abundantly clear that it is an ameliorative provision protecting the rights of women guaranteed under



the Constitution of India, which requires direct intervention, monitoring and interference of the Magistrate defined in Section 2(i) through the Protection Officer defined in section 2(n).

9. Since, section 12 is relied upon by the learned counsel for the petitioners and it would have bearing in deciding the matter, the said section along with section 8 is reproduced herein for convenience of reference:

“12. Application to Magistrate.- (1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:

Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent:

Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.



(3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall Endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing."

10. Section 8 provides thus:

"8. Appointment of Protection Officers.- *(1) The State Government shall, by notification, appoint such number of Protection Officers in each district as it may consider necessary and shall also notify the area or areas within which a Protection Officer shall exercise the powers and perform the duties conferred on him by or under this Act.*

(2) The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed.

(3) The terms and conditions of service of the Protection Officer and the other officers subordinate to him shall be such as may be prescribed."

As provided in section 8, the Protection Officer has his territorial jurisdiction notified by the State Government.

11. In considered opinion of this Court transferring a pending Domestic Violence application filed by the wife in the marriage along with the minor child, to a distant place from Rairangpur, Mayurbhanj to Angul would result in a situation where the aims and objectives of the Act will not be achieved as the definition clause prescribes the Magistrate who shall exercise its jurisdiction in an area.



12. Therefore, in considered view of this Court granting the prayer for transfer of the Domestic Violence case pending before the learned Magistrate, Rairangpur to Angul would come in the way of achieving the aims and objectives as the Magistrate at Rairangpur would have no jurisdiction or control at Angul inasmuch as the place of residence of the husband of the petitioner is stated in the petition to be at Jagatsinghpur in the District of Jagatsinghpur and the place of residence of father-in-law and mother-in-law is stated to be at Bangiriposi in the District of Mayurbhanj.

13. At this stage, the learned counsel for the petitioner submits that the petitioners may be provided liberty to file another case under the Protection of Women from Domestic Violence Act, 2005.

Now, whether the petitioners can file multiple applications, this Court would not express any opinion at this stage as that is not the subject matter to be considered.

14. It is further submitted by the learned counsel for the petitioners that the petitioners wish to appear before the Magistrate by utilizing the ICT facility.

In view of the said submission, it is directed that the petitioners, if so advised, shall file application before the Magistrate in the pending proceeding for availing ICT facilities such as appearance in VC, deposition from remote locations, if the same would be permissible in accordance with the prevailing law/rules.



15. With the aforesaid observations, the writ petition is disposed of.

(Mruganka Sekhar Sahoo)
Judge

Orissa High Court, Cuttack
The 25th March, 2026/Rajesh