



CrI.O.P.(MD) No.4895 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.4895 of 2023
and CrI.M.P(MD) No.4319 of 2023

G.R. Vidhya

... Petitioner

vs.

1.The Inspector of Police
All Women Police Station
Nagercoil, Kanyakumari District

2.Vijay Noble

3.Mikkal

4.Noble

... Respondents

PRAYER: Criminal original petition filed, under Section 407 Cr.P.C., to permit the petitioner to withdraw the case in C.C.No.364 of 2018 from the file of the learned Additional Mahila Court at Magisterial Level, Nagercoil, Kanyakumari and transfer the same to any competent Court in Tirunelveli District.



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For Petitioner : Mr.M.Suresh

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor for R1

Mr.A.S.Vaigunth for R2 to R4

ORDER

This Criminal original petition has been filed to permit the petitioner to withdraw the case in C.C.No.364 of 2018 from the file of the learned Additional Mahila Court at Magisterial Level, Nagercoil, Kanyakumari and transfer the same to any competent Court in Tirunelveli District.

2. Now the grievance of the petitioner is that proper record of proceedings has not been maintained by the concerned Court. Even for non appearance of the petitioner for one hearing, bailable warrant has been issued, but whereas, the maintenance order that was passed against her husband was not complied by him, even after a lapse of five years, that was not taken care by the concerned Court.



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4. Ground that there is no proper record of proceeding. The file shows that originally the case that was tried by the learned Judicial Magistrate No.II, Nagercoil, later it was transferred to the learned Judicial Magistrate No.I, Nagercoil, there after transferred to Additional Mahila Court, Nagercoil.

5. The petitioner is directed to appear before the concerned Court and get the warrant recalled by furnishing proper facts and circumstances. The trial Court may proceed with the same in accordance with law, without taking any coercive steps against the petitioner, who is already affected and aggrieved person. Let the concerned Court comply the direction that was passed by this Court in more than one occasion in Crl.O.P(MD) No.17580 of 2014, which was filed by the accused for quashment, in which, the direction was issued. That was not complied by periodically, time was extended by this Court, on the basis of the request made by the concerned trial Court. Lastly, the time was extended for six months from the date of receipt of copy of the order. The order was also communicated to the



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concerned trial Court. The above said order shall be complied by the concerned Court and the all parties are directed to co-operate with the trial Court to complete the trial process as directed by this Court.

6. With the above said direction, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

16.03.2023

NCC : Yes / No

Index : Yes/No

Internet : Yes/No

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To:

1.The learned Additional Mahila Judge,
Additional Mahila Court
at Magisterial Level,
Nagercoil, Kanyakumari.



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- 2.The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGO VAN, J.

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