

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.18419 of 2015
and
M.P.No.1 of 2015

Dr.C.Karthikeyan

...Petitioner

Vs.

Dr.A.Priya

... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of Cr.P.C to withdraw the petition in DVOP No.180 of 2013 on the file of the Additional Mahila Magistrate Court, Salem and to transfer the same to file of Judicial Magistrate at Kallakurichi or Attur.

For Petitioner : Mr.N.Ramesh

For Respondent : Mr.R.Nalliyappan

O R D E R

This Criminal Original Petition has been filed to withdraw the petition in DVOP No.180 of 2013 on the file of the Additional Mahila Magistrate Court, Salem and to transfer the same to the file of the learned Judicial Magistrate at Kallakurichi or Attur.

2.For the sake of convenience, the parties will be referred to by their names.

3.Dr.C.Karthikeyan (petitioner) and Dr.A.Priya (respondent) got married on 12.09.2010 and thereafter, their marriage life ran into rough weather, resulting in, they getting estranged. On the complaint lodged by A.Priya, Kallakurichi Police registered a case in Crime No.30 of 2012 against C.Karthikeyan for offences under Sections 498(A), 294(b), 506(ii) IPC and Section 4 of the DP Act.

4. C.Karthikeyan has launched proceedings for divorce in HMOP No.111 of 2014 against A.Priya before the Sub-Court, Attur and the said case is pending. Similarly, A.Priya has launched divorce proceedings in HMOP No.108 of 2014 before the Sub-Court, Attur.

5. Whiles, A.Priya initiated proceedings under the Domestic Violence Act against C.Karthikeyan and his family members in DVOP.No.180 of 2013 before the Additional Mahila Magistrate Court, Salem, challenging which, C.Karthikeyan and his family members approached this Court in Crl.O.P.No.6213 of 2014. After hearing both sides, this Court partly allowed Crl.OP.No.6213 of 2014 on 12.06.2015 quashing the proceedings as against Chakkarapani, Devika and C.Kalavathi, and this Court had refused to quash the proceedings as against C.Karthikeyan and directed the Additional Mahila Magistrate Court, Salem, to complete the DVOP No.180 of 2013 proceedings within a period of six months.

6.Now, C.Karthikeyan has filed the present application for transferring DVOP No.180 of 2013 from the file of the Additional Mahila Magistrate Court, Salem, to any Magistrate in Attur as both parties are facing litigation in Sub Court Attur.

7. Heard the learned counsel for both the parties.

8. Though C.Karthikeyan has made several allegations in his affidavit, which are controverted by A.Priya, this Court, without going into the allegations and counter allegations, is of the view that it will serve the interest of justice, if DVOP No.180 of 2013 is transferred to Attur, so that, it will be convenient for both the parties who are already facing litigations in Attur to proceed with this case also.

In the result, on the ground of Forum convenience, the case in DVOP No.180 of 2013 on the file of Additional Mahila Magistrate Court, Salem, is transferred to the learned Judicial Magistrate No.I, Attur. The Learned Additional Mahila Magistrate Court, Salem, is directed to transmit the records in DVOP No.180/2013 to the file of the learned Judicial Magistrate No.I, Attur and the learned Judicial Magistrate No.I, Attur shall complete the case within a period of six months, after receipt of the records.

With the above direction, this petition is ordered accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Additional Mahila Magistrate Court,
Salem.

2. The Judicial Magistrate,
Attur.

+ 1 cc to M/s. N. Ramesh, Advocate, S.R.No.57651

+ 1 cc to M/s. R. Nalliyappan, Advocate SR.57469

ALA (CO)
EU (20/11/2015)

Crl.O.P.No.18419 of 2015
and
M.P.No.1 of 2015



WEB COPY