

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.19106 of 2015

and

M.P.No.1 of 2015

R.Arun Kumar .. Petitioner/1st Respondent.

Vs.

1.J.Yuhama @ Raja meenakshi

2.Janistha (minor)

Rep.by her mother

3. G.Ravi

4. R.Prema

5. R.Gayathri

6. M.Muthukumaran

... Respondent

Criminal Original Petition filed under Section 407 Cr.P.C., praying to withdraw Cr.M.P.No.4175 of 2015 on the file of Judicial Magistrate, Uthamapalayam and transfer and the same to the Principal Judge, Family Court at Chennai to be tried along with HMOP No.2411 of 2014 pending therein.

For Petitioner : Mr.D.J.Venkatesan

For Respondent : Mr.K.M.Balaji
No.1

O R D E R

This criminal original petition has been filed to withdraw Cr.M.P.No.4175 of 2015 on the file of the Judicial Magistrate, Uthamapalayam and transfer the same to the Principal Judge, Family Court at Chennai to be tried along with HMOP No.2411 of 2014 pending therein.

2. It is seen that the respondent /wife initiated proceedings in Cr.M.P.No.4175 of 2015 under the Domestic Violence Act against her husband before the learned Judicial Magistrate, Uthamapalayam.

3. It is the contention of the petitioner/husband that his wife is living now in Ayanavaram and therefore, for the convenience of both the parties, it will be desirable to have the case transferred to Chennai. It is also stated that H.M.O.P.No.2411 of

2014 filed by the respondent/wife is pending on the file of the Principal Judge, Family Court, Chennai. This Court ordered notice to the respondent/wife on 29.07.2015.

4. Today, heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the material placed on record.

5. The learned counsel for the respondent/wife submitted that he has no objection in the case being transferred from Uthamapalayam to Chennai as the respondent is living in Ayanavaram.

In view of the above, this Court directs that the case in Cr.M.P.No.4175 of 2015 pending on the file of the Learned Judicial Magistrate, Uthamapalayam, be transferred to the Court of XIII Metropolitan Magistrate, Egmore (Lillypond Complex), Chennai. The learned Judicial Magistrate, Uthamapalayam, is directed to transmit the records in Cr.M.P.No.4175 of 2015 to the Court of XIII Metropolitan Magistrate, Egmore (Lillypond Complex), Chennai expeditiously and both the parties shall appear before the learned XIII Metropolitan Magistrate, Egmore (Lillypond Complex) Chennai on 05.10.2015. Hence, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

sms

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The learned Judicial Magistrate, Uthamapalayam.
2. The learned XIII Metropolitan Magistrate, Egmore (Lillypond Complex), Chennai.

+ 1 cc to Mr.DJ.Venkatesan, Advocate SR 16985/10.9.2015

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