

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Cr1.O.P.No.3508 of 2015

and

M.P.No.1 of 2015

C.Vaiyapuri

...Petitioner

vs.

Rajathi

...Respondent

Criminal Original Petition filed under Section 407 of the Criminal Procedure Code seeking to withdraw the case in M.C.No.1 of 2013, from the file of the Judicial Magistrate No.I, Mettur, and to transfer the same to any other Judicial Magistrate Court, within the Salem District.

For Petitioner : Mr.K.A.Mariappan

O R D E R

The petitioner and the respondent herein are husband and wife. This Petition is filed by the petitioner/husband to withdraw the case filed by the respondent/wife in M.C.No.1 of 2013, on the file of the Judicial Magistrate No.I, Mettur, and to transfer the said case to some other Court, situate within the Salem District.

2. It is submitted by the learned counsel appearing for the petitioner that on 30.01.2015, when he was returning to his house, after attending the Court, at Mettur, he was attacked by his respondent/wife and her hooligans. They also threatened the petitioner to pay Rs.5,00,000/-. The petitioner also went to lodge a complaint regarding the said threat to the nearby Police Station, Mettur. Since the Police Official, attached to Mettur Police Station refused to receive the complaint, the petitioner sent the complaint to the Inspector of Police, Mettur, on 02.02.2015 through the registered post. The petitioner, therefore, apprehends danger to his life, if he is directed to appear before the Judicial Magistrate No.I, Mettur, and therefore, the case in M.C.No.1 of 2013, has to be transferred. The learned counsel also submitted that in the said Maintenance Case, P.W.1 was examined in chief and the case was posted for cross-examination, and on that date, the incident had happened

and therefore, considering the threat to the life of the petitioner, this Petition may be allowed and the case may be transferred.

3. I am unable to accept the contentions of the learned counsel for the petitioner. It is stated that, on 30.01.2015, when the petitioner was returning from the Court, he was waylaid and threatened by the respondent and her hooligans, and he reported about the incident to the nearby Police Station, since no action was taken, he sent the complaint through registered post on 02.02.2015. But, in the complaint sent through registered post, nothing has been stated about the oral complaint made on 30.01.2015, before the Police Official, attached to Mettur Police Station. Further, no reason has been stated for not sending the complaint immediately in respect of the incident that took place on 30.01.2015. Admittedly, trial has commenced and P.W.1 is in the Box, it may not take 2 or 3 occasions for completion of trial, and therefore, at this stage, the case need not be transferred.

5. For the reasons stated hereinabove, the Criminal Revision Petition is dismissed. Consequently, connected M.P. is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sd

To

1. The Judicial Magistrate No.I, Mettur,

2. do thro the Chief Judicial Magistrate
Salem

Cr1.O.P.No.3508 of 2015

GJ (CO)
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