



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Cr1.O.P. (MD)No.23338 of 2014

1.Selvakumar
2.Kalpana
3.Vijaya
4.Tamilselvam

... Petitioners

Vs.

1.Geethakalai

2.Resario

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to withdraw the complaint in M.C.No.16 of 2014 on the file of Judicial Magistrate, Thiruppathur and transfer the same to the file of the Judicial Magistrate, Tirumangalam.

For Petitioners : Mr.T.Vadivelan

O R D E R

Seeking a direction to withdraw the complaint in M.C.No.16 of 2014 on the file of Judicial Magistrate, Thiruppathur and transfer the same to the file of the Judicial Magistrate, Tirumangalam, the petitioners have come up with this petition.

2. Heard the learned counsel appearing for the petitioners and perused the records.

3. The first petitioner being the husband of the first respondent seeks transfer of the case pending in M.C.No.16 of 2014 on the file of the learned Judicial Magistrate, Thiruppathur. The only ground raised is that other proceedings are pending in some other court. The learned counsel submitted that in the complaint the first respondent stated that there is a threat to her from the side of the petitioners.

4. The allegation of threat does not show any material particulars and the complaint shows that the first respondent seeks only protection. Further, the petitioner has filed H.M.O.P.No.410 of 2014 before the learned II-Subordinate Judge, Madurai (Camp at Tirumangalam) seeking divorce from the first respondent. That is also pending. This court is of the view that the summary proceedings need not be transferred.



5. Accordingly this Criminal Original Petition stands dismissed with a direction to the learned Judicial Magistrate to dispose of M.C.No.16 of 2014 within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate,
Thiruppathur.

2. The Judicial Magistrate,
Thirumangalam.

Crl.O.P. (MD) No.23338 of 2014
09.07.2015

PJL

ssm:29.07.2015:2P/3C