

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.24758 of 2016

and Cr1.M.P.No.11918 of 2016

Karthik Rajan

Petitioner

Vs

T.Revathi

Respondent

Prayer:- Criminal Original Petition filed under Section 407 Cr.P.C., to transfer the case in M.C.No.5 of 2016 on the file of the learned Judicial Magistrate Court-II, Tiruvallur to Family Court, Chennai.

For petitioner : Mr.M.A.R.Pragash
For respondent : Mr.K.S.Kumar

O R D E R

This petition has been filed to transfer the case in M.C.No.5 of 2016 on the file of the learned Judicial Magistrate Court-II, Tiruvallur to Family Court, Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. For the sake of convenience, the parties will be referred to by their name.

4. Karthik Rajan and Revathi got married on 06.12.2015 and thereafter, Revathi has filed a petition for annulling the marriage u/s 12(1)(a) of the Hindu Marriage Act, 1955 in HMOP No.350 of 2016 before the Sub Court, Poonamallee and simultaneously, she has also filed a petition u/s 125 Cr.P.C. in MC No.5 of 2016 before the Judicial Magistrate No.II, Tiruvallur. Under such circumstances, Karthik is before this Court for transferring the case from the file of the Judicial Magistrate No.II, Tiruvallur to the Family Court, Chennai.

5. It is brought to the notice of this Court that, a Family Court has been constituted in Tiruvallur and therefore, the local Magistrate loses his jurisdiction to entertain a petition u/s 125 Cr.P.C. in view of Section 7(2) of the Family Courts Act, 1984.

6. Learned counsel for Revathi also has no objection for transfer of the case to the file of the Family Court, Tiruvallur.

7. In view of the above, M.C. No.5 of 2016 is transferred to the file of the Family Court, Tiruvallur. The learned Judicial Magistrate No.II, Tiruvallur is directed to send the entire records in MC No.5 of 2016 to the Family Court, Tiruvallur. It is left open to Karthik to file an appropriate application for transfer of HMOP No.350 of 2016 from the file of Sub Court, Poonamalle to the Family Court, Tiruvallur, if so advised.

This petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.II, Tiruvallur.
- 2.The Judge, Family Court, Tiruvallur.
- 3.The Public Prosecutor, High Court, Chennai.

+1cc to Mr.M.A.R. Pragash, Advocate, S.R.No.65057
+1cc to Mr.K.S. Kumar, Advocate, S.R.No.65052

SS(CO)
md(28/11/2016)

CrI.OP No.24758 of 2016