

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

C O R A M

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

CrI.O.P.No.24927 of 2016
and
CrI.MP.No.12042 of 2016

1. V.Madan Raj
2. Vijayakumar

...Petitioners

Vs.

M.Renuka

... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of Cr.P.C to withdraw and transfer DVC No.233 of 2016 from the file of Additional Mahila Metropolitan Magistrate Court, Egmore to Court at Chengalpet.

For Petitioners: Mrs.Selvi George

For Respondent : Mrs.Subashini

For M/s.Chennai Law Associates

O R D E R

This criminal original petition has been filed to withdraw and transfer DVC No.233 of 2016 from the file of the Additional Mahila Metropolitan Magistrate Court, Egmore to Court at Chengalpet.

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

3. It is the case of the petitioners that the 1st petitioner and the respondent herein belong to different community and got married on 16.09.2010 and they have a minor son by name Mano Ranjan through their wedlock. Since the 1st petitioner belongs to Adi Dravida Community, the respondent's parents did not approve their marriage and they wanted to separate the respondent from the 1st petitioner. Initially the respondent did not listen to her parents talks and they were living happily. After some times, she started to go to her parents house and started to fight with the 1st petitioner and his parents even for flimsy reasons and finally on 08.10.2016, she left the matrimonial home. Thereafter, she filed DVC.No.233 of

2016 along with M.P.Nos.200 & 201 of 2016, against the 1st petitioner praying to hand over custody of the minor son and for interim maintenance to her and to her son; in which, the lower Court has passed an order to produce the child without giving an opportunity to the first petitioner. In such circumstances, the present petition came to be filed.

4. The learned counsel appearing for the petitioners submitted that the 1st petitioner was assaulted by the respondent's parents and her relatives, due to which, he suffered a bleeding injury. Apprehending unsafely at their hands, the first petitioner could not attend the case proceedings at Chennai Court and he filed this petition, seeking transfer.

5. Though, the learned counsel appearing for the respondent denied the allegations raised against the respondent in this petition, she ultimately agreed to transfer the case from the file of the Additional Mahila Metropolitan Magistrate Court, Egmore to the Sub-Court at Chengalpet. However, the learned counsel submitted that the safety of the respondent-Wife is to be ensured by the petitioners.

6. Recording the submission so made by both the counsel on record, the case in DVC.No.233 of 2016 pending on the file of the Additional Mahila Metropolitan Magistrate Court, Egmore is withdrawn and transferred to the file of the Sub-Court, Chengalpet. The learned Sub-Judge, Chengalpet is directed to take up the matter and dispose of the same as expeditiously as possible. This Criminal Original Petition is ordered, accordingly. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The Additional Mahila Metropolitan Magistrate Court, Egmore
2. The Sub-Judge, Sub-Court, Chengalpet.

+1 cc to Mrs. Selvi George, Advocate sr 17240

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