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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:10.02.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

CrI.O.P.(MD)No.13188 of 2016

and

CrI.M.P(MD)Nos.6167 and 9760 of 2016

A.S.Sree Nandhini

: Petitioner/Accused

Vs.

R.Uthaman

: Respondent/Complainant

Prayer: This petition is filed under Section 407 of Cr.P.C, to withdraw and to transfer the C.C.No.102 of 2014 pending on the file of the learned Judicial Magistrate, Natham, to the learned Judicial Magistrate Court No.III, Coimbatore in the nature and circumstances of the case.

For Petitioner : Mr.I.Abrar MD.Abdullah

For Respondent : Mr.R.Anand

O R D E R

This petition is filed to withdraw and transfer the C.C.No.102 of 2014 pending on the file of the learned Judicial Magistrate, Natham, to the learned Judicial Magistrate Court No.III, Coimbatore, for disposal.

2.The learned counsel appearing for the petitioner would contend that the petitioner has filed a complaint under the Domestic Violence Act, 2005 before the Judicial Magistrate No.III, Coimbatore against her husband and his family members and that the learned Judicial Magistrate, by order, dated 30.09.2013 removed the respondent from the case proceedings by observing that "the allegation against him baseless and he is a unnecessary party to the proceedings". Thereafter, the respondent preferred a complaint under Sections 190(1)(a) and 200 of Cr.P.C, to punish the petitioner for the offences under Sections 499 and 500 Cr.P.C before the Judicial Magistrate, Natham and the same was taken on file in C.C.No.102 of 2014 and that the the petitioner apprehends to attend the court in Natham, due to the threat made by her husband and his friends and that she filed an application before the Principal Sessions Judge, Dindigul, to transfer the C.C.No.102 of 2014 to some other Magistrate court within the same Sessions Division, but the same was dismissed on 15.03.2016 in Tr.CrI.M.P.No.2959 of 2014 on the ground that the petitioner has no shown any proper reason. Hence, she filed this petition <https://hcservices.mca.gov.in/hcservices/> as stated in the petition.

3.Per contra, the learned counsel appearing for the respondent would contend that the petitioner has already filed an



application for transfer of the case in C.C.No.102 of 2014 pending on the file of the Judicial Magistrate, Natham, to some other court and the same was dismissed. Hence, the present petition filed by the petitioner is not maintainable in law and prayed for the dismissal of the petition.

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4. Heard the rival submissions and perused the entire materials available on record.

5. It is seen from the records that admittedly, the petition filed by the petitioner before the Principal District and Sessions Judge, Dindigul was dismissed on 15.03.2016. The petitioner has not challenged the said order by way of filing revision or in other proceedings before the competent court.

6. It is also seen from the records that the petition filed by the petitioner before the Principal Sessions Judge, Dindigul, to transfer the C.C.No.102 of 2014, was dismissed on 15.03.2016 on the ground that the petitioner has now shown any proper reason in the application. Without challenging the said order, the petitioner has come forward with the present petition without mentioning any valid reason.

7. In view of the above circumstances, this court is of the considered view that the present petition filed by the petitioner is not at all maintainable. Hence, the relief sought for by the petitioner cannot be granted.

8. In the result, this petition is **dismissed**. However, the trial court is directed to post the case in C.C.No.102 of 2014 on day today basis and dispose of the same, within a period of six weeks from the date of receipt of a copy of this order and report the same to the Registry without fail. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To,

1. The Judicial Magistrate, Natham.

2. Do-Through The Chief Judicial Magistrate, Dindigul.

3. The Section Officer, Criminal Section,
Maduria Bench of Madras High Court, Madurai.

(For Watching the report)

+1cc to Mr. Senthil Kumaraiah, Advocate, SR No.7541

CrI.O.P. (MD) No.13188 of 2016

10.02.2017