

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRIMINAL PETITION NOS.205, 206 & 209 OF 2017

COMMON ORDER:

These transfer criminal petitions are filed under Section 407 Cr.P.C to withdraw D.V.C.No.76 of 2017 pending on the file of Additional Judicial First Class Magistrate at Karimnagar, C.C.No.0101311 of 2016 on the file of Junior Civil Judge Court, Karimnagar and F.C.M.C. No.20 of 2017 on the file of Judge, Family Court, Karimnagar and transfer all the cases to any Judicial First Class Magistrate at Warangal.

The main grounds urged in these petitions are three fold:

The **first** ground is that, the second respondent is suffering from electro phobia i.e. fear of electricity and not maintaining good health. The said fact was suppressed and marriage was performed with the first petitioner.

The **second** ground is that, the first petitioner issued legal notice 08.09.2017 to the second respondent calling her to come and join him and expressed his readiness even in the legal notice. But, the second respondent did not join the first petitioner though he is ready to maintain her by resolving the disputes between them.

The **third** ground is that, the brother of the second respondent and others, who are arrayed as accused in C.C.No.0101311 of 2016 caused injury with bottle and thereby, the first petitioner and others lodged complaint against the brother of the second respondent and seven others. After investigation,

charge sheet was filed, which is registered as Crime No.284 of 2016 on the file of KNR Town Police Station, Karimnagar District.

Thus, the petitioners are apprehending danger to their life to appear in D.V.C.No.76 of 2017 pending on the file of Additional Judicial First Class Magistrate at Karimnagar, C.C.No.0101311 of 2016 on the file of Junior Civil Judge Court, Karimnagar and F.C.M.C. No.20 of 2017 on the file of Judge, Family Court, Karimnagar.

Admittedly, as contended by the learned counsel for the petitioners, the marriage of the second respondent was performed with the first petitioner by suppressing her mental disorder. When the second respondent is suffering from such illness i.e. electro phobia, she cannot be forced to undertake journey and appear before the Courts concerned in relation to the cases referred supra. Though the petitioner is a physically and mentally fit person, he is apprehending danger in the hands of the brother of second respondent. The apprehension appears to be based on the complaint lodged with the police and filing charge sheet, which is registered as C.C.No.0101311 of 2016.

In case, all these matters are withdrawn and transferred to any Magistrate Court at Warangal, having jurisdiction, the second respondent-being a lady, who is not in mentally fit condition, as contended by the petitioner is bound to face difficulty to appear before the Courts below, as and when her presence is required, but, whereas, the first petitioner herein can undertake journey and appear before the Courts below, subject to providing necessary protection for his safety. Therefore, instead of withdrawing

D.V.C.No.76 of 2017, C.C.No.0101311 of 2016 and F.C.M.C.No.20 of 2017, from the respective Courts, I deem it appropriate to direct the concerned Courts to provide necessary police protection to the petitioners, whenever they attend the Court proceedings in connection with the above cases, subject to submitting a written representation about their apprehension. The petitioners shall also bear necessary expenses for providing such police protection.

Hence, all the three transfer criminal petitions are dismissed, however, directing the Additional Judicial First Class Magistrate at Karimnagar, Junior Civil Judge Court, Karimnagar and Judge, Family Court, Karimnagar, dealing with D.V.C.No.76 of 2017, C.C.No.0101311 of 2016 and F.C.M.C. No.20 of 2017, respectively, to provide necessary police protection to the petitioners as and when they attend the Court proceedings in connection with the above cases, on receipt of any written request, subject to bearing necessary expenses by them for providing police protection.

In the result, the transfer criminal petitions are dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:29.11.2017

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