

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18233 of 2018  
and Crl.MP.No.9554 of 2018

Nikath Banu

.. Petitioner

Vs

1.Anjum Hyder  
2.Baqar Ali  
3.Sulthana Begum  
4.State rep. by  
Inspector of Police,  
W2, All Women Police Station,  
Triplicane,  
Chennai - 600 005.

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to withdraw the case in C.C.No.10 of 2018 on the file of Mahila Court Allikulam, Chennai and transfer the same to the file of the XIII Metropolitan Magistrate Court, Chennai.

For Petitioner : Mr.N.Saravanan  
For Respondents : Mr.C.Raghavan [for R4]  
Govt. Advocate

O R D E R

The petitioner is the de facto complainant in C.C.No.10 of 2018 pending on the file of the Mahila Court, Allikulam for the offences under Section 498[A] and 323 of IPC against the respondents 1 to 3 herein. The petitioner has also initiated proceedings under the Domestic Violence Act in D.V.No.171 of 2017 against respondents 1 to 3 for various reliefs and that case is also pending on the file of the Mahila Court, Magisterial Level, Allikulam. Under such circumstances, the petitioner is before this Court with the above prayer.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the 4<sup>th</sup> respondent.

3.In the opinion of this Court, the Government has constituted Mahila Court at Magisterial Level to deal

exclusively with cases relating to women. Therefore, the Mahila Court is the jurisdictional Court both under the Domestic Violence Act as well, for prosecutions under Section 498[A] IPC. Hence, C.C.No.10 of 2018 cannot be transferred out of Mahila Court.

4.Learned counsel for the petitioner submitted that the petitioner has filed M.P.Nos.117 and 118 of 2018 in D.V.No.171 of 2017 and no orders have been passed by the trial Court till date.

5.It is reported that there is no Presiding Officer in the Mahila Court at Chennai and the Magistrate for Land Grabbing Cases is holding additional charge of Mahila Court, Chennai.

6.In such view of the matter, this Court directs the trial Court to expeditiously pass orders in M.P.Nos.117 and 118 of 2018 in D.V.No.171 of 2017, if not already passed, within a period of three months from the date of receipt of a copy of this order, if there is no any other legal impediment.

With the above direction, this Criminal Original Petition is ordered accordingly. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1.Mahila Court,  
Allikulam, Chennai.

2.The Inspector of Police,  
W2, All Women Police Station,  
Triplicane,  
Chennai - 600 005.

3. The Public Prosecutor  
High Court, Madras.

4. The XIII Metropolitan Magistrate  
Court, Chennai.

CRL.OP.No.18233 of 2018

SP(01/08/2018)