

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18639 of 2018

and

Crl.MP.No.9823 of 2018

D.Venkatachalapathy

... Petitioner

Vs

V.Andal @ Saranya

....Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., to withdraw M.C.No.57 of 2013 on the file of the Family Court at Coimbatore and transfer the same to the Judicial Magistrate Court at Tambaram.

For Petitioner : Mr.K.Mylsamy

O R D E R

This Criminal Original Petition has been filed to withdraw M.C.No.57 of 2013 on the file of the Family Court, Coimbatore and transfer the same to the Judicial Magistrate Court at Tambaram.

2. For the sake of convenience, the petitioner and the respondent will be referred to by their name.

3. D.Venkatachalapathy got married to Andal on 11.04.2011 and the couple got estranged on account of matrimonial discord. Andal has initiated a proceeding in MC.No.57 of 2013 under Section 125 Cr.P.C. before the Family Court, Coimbatore, against Venkatachalapathy seeking maintenance. While so, Venkatachalapathy has filed the present petition seeking transfer of MC.No.57 of 2013 from the file of the Family Court, Coimbatore to the Judicial Magistrate Court, Tambaram, on the ground that his life is under threat at the hands of Andal and her henchmen.

4. The learned counsel appearing for Venkatachalapathy submitted that earlier Andal had abused and threatened Venkatachalapathy, pursuant to which, on the complaint given by Venkatachalapathy, a case in Perinaickenpalayam PS Crime No.299 of 2015 has been registered on 19.07.2015 for the offences under Sections 294B and 506(i) IPC against Andal and the investigation is pending. Hence, the learned counsel for Venkatachalapathy contended that the atmosphere is not congenial in the Family Court, Coimbatore, for Venkatachalapathy to be present.

5. It is seen that the maintenance proceedings under Section 125 Cr.P.C. is pending from 2013 onwards. The reason for the delay in disposal of the case is not known to this Court. If the case is transferred to any other Court, it will only further prolong the proceedings. Hence, this petition is closed with a direction to the Family Judge, Coimbatore, to dispose of MC.No.57 of 2013 within six months from the date of receipt of a copy of this order, provided there is no other legal impediment. If there is any threat to Venkatachalapathy, he may give a complaint to the Family Judge, Coimbatore and on such complaint being received, the Family Judge, Coimbatore, may enquire into it and if it is found true, then the complaint may be forwarded to the concerned police station to take necessary action in accordance with law. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

mk

To

The Family Court,
Coimbatore.

+lcc to Mr.K.Mylsamy, Advocate SR.NO..No.50268

PA(CO)
sm:10.8.2018

सत्यमेव जयते

Cr1.OP.No.18639 of 2018

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