



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.18514 of 2015

and

MP(MD)Nos.1 and 2 of 2015

WEB COPY

1.Abdul Ravoof
2.Beer Mohammed
3.Mariam Beevi

: Petitioners

Vs-

1.Sapna
2.Minor Althina
(Minor represented by its Mother and
natural guardian Sapna)

: Respondents

PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, to withdraw the M.C.No.24 of 2014 on the file of the learned Judicial Magistrate, Sankarankovil and transfer the same to any jurisdictional Court which is situated inside the Kanyakumari District.

For Petitioner : Mr.R.Sathish

For 1st Respondent : Mr.S.Palanivelayutham

O R D E R

This Criminal Original Petition has been filed to transfer M.C.No.24 of 2014 from the file of the learned Judicial Magistrate, Sankarankovil, to any of the Magistrate Court at Kanyakumari District.

2.The learned counsel appearing for the petitioner has submitted that the first petitioner is the husband of the first respondent and the petitioners 2 and 3 are parents of the first petitioner. He further submitted that the respondents herein have filed M.C.No.24 of 2014, seeking certain reliefs under the Domestic violence Act. He further submitted that since petitioners 2 and 3 are aged persons, they are not able to travel from Kanyakumari District to Sankarankovil and hence, he requests to transfer M.C.No.24 of 2014 from the file of the learned Judicial Magistrate, Sankarankovil to any of the Magistrate Court, at Kanyakumari District.

3.The learned counsel for the respondent has submitted that the respondents 1 and 2 are residing at Sankarankovil Taluk and hence the case is transferred from Sankarankovil Taluk to Kanyakumari District that would cause inconvenient to them to



travel from Sankarankovil to Kanyakumari District. Hence, he strongly opposed it.

4. Considering the fact that the respondents 1 and 2 have filed a petition under Section 12 of the Domestic violence Act, seeking certain reliefs and the first respondent is the woman and the second respondent is the minor child and if the said case is transferred to any of the courts at Kanyakumari, that would cause inconvenience to the respondents to travel from Sankarankovil to Kanyakumari District, this petition is dismissed. However, considering the fact that the petitioners 2 and 3 are aged persons, their personal appearance before the trial Court is dispensed with, unless and until their personal appearance is ordered by the concerned Judicial Magistrate.

5. With the aforesaid observation this Criminal Original Petition is disposed of. Consequently, connected MP(MD)Nos.1 and 2 of 2015, are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate, Sankarankovil.

+1cc to Mr.S.Palanivelayutham, Advocate Sr.No.52403

DAS

VB/GT/SAR4/15/03/2018/2P/3C

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