



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAMCRL.O.P.(MD)No.21497 of 2015andMP(MD)No.1 of 2015

WEB COPY

Kalaiselvi

: Petitioner

Vs-

R.Muralidharan

: Respondent

PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, to withdraw the STC.No.514 of 2015 on the file of the learned Judicial Magistrate, No.IV, Tirunelveli and to transfer to the file of the learned IX-Metropolitan Magistrate Court, at Saidapet, Chennai-15 to try the same.

For Petitioner : Mr.C.Deivasigamani

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed by the accused to transfer the case in STC.No.514 of 2015, from the file of the learned Judicial Magistrate No.IV, Tirunelveli to IX-Metropolitan Magistrate Court, at Saidapet, Chennai-15.

2.The learned counsel appearing for the petitioner has submitted that the respondent is a tenant. The respondent is residing in a portion of the petitioner's house at Chennai. But, purposely with a view to harass the petitioner, the respondent has filed a complaint before the learned Judicial Magistrate No.IV, Tirunelveli. He further submitted that the petitioner is a lady and she is having two daughters and hence she is not able to travel from Chennai to Tirunelveli to conduct the said case and hence, he requests to transfer the aforesaid case to the IX-Metropolitan Magistrate, at Saidpet, Chennai.

3.Initially the respondent entered appearance through his advocate. But, subsequently neither the respondent nor his counsel appeared. Hence this matter is posted today(28.02.2018) by printing the name of the respondent in the cause list. Today (28.02.2018) also no representation on behalf of the respondent. Hence, after hearing arguments, the learned counsel for the petitioner and perusing the records, order is being passed.



4.The petitioner has stated in her affidavit that the respondent is residing in the portion of the petitioner's house at Chennai as a tenant and with a view to harass the petitioner the respondent herein has filed a case in STC.No.514 of 2015 before the learned Judicial Magistrate No.IV, Tirunelveli.

5.The respondent has not appear and denied the aforesaid facts. Therefore, considering the fact that the respondent also residing at Chennai and also the fact that the petitioner is a woman and she is having two daughters, it would be from difficult for her to travel from Chennai to Tirunelveli, this Court is inclined to allow this application.

6.In the result this Criminal Original Petition is allowed. The case in STC.No.514 of 2015 is withdrawn from the file of the learned Judicial Magistrate No.IV, Tirunelveli and transferred to IX-Metropolitan Magistrate Court, at Saidapet, Chennai for the disposal in accordance with law. Consequently, connected MP(MD)No.1 of 2015, is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Judge,
IX-Metropolitan Magistrate,
Saidapet Court,
Saidapet, Chennai-15

2.The Judicial Magistrate No.IV,
Tirunelveli

+One cc to Mr.C.Deivasigamani, Advocate, SR.No.51819

das

RL/4C/2P/KKR/SRA1/28/3/2018

CRL.O.P. (MD) No.21497 of 2015
28.02.2018