



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

CRL.OP.(MD) No.15127 of 2017

and

CRL.M.P.(MD)No.10070 of 2017

M.Kanagaraj

... Petitioner/Respondent

Vs.

Suganya

... Respondent/Complainant

PRAYER: Criminal Original petition filed under Section 407 of Code of Criminal Procedure, to withdraw DVOP.No.90 of 2015 on the file of the Additional Mahila Court, Salem and transferred it to any Magistrate Court, Trichy.

For Petitioner : Mr.V.Chandra Sekar

For Respondent : Mr.G.Sridharan

ORDER

This criminal original petition has been filed by the respondent/husband to transfer the case in DVOP.No.90 of 2015 from the file of the Additional Mahila Court (Magistrate Level), Salem to any other Magistrate Court, at Trichy.

2.The learned counsel for the petitioner has submitted that the petitioner is the husband of the respondent and he is working in BHEL, Trichy. He further submitted that the respondent herein has filed the case in DVOP.No.90 of 2015 seeking certain reliefs under the Domestic Violence Act before the Additional Mahila Court (Magistrate Level), Salem. He further submitted that some unknown persons contacted the petitioner over phone and criminally intimidated him and hence the petitioner is having apprehension to appear before the Court at Salem. Therefore, he prayed to transfer the aforesaid case to any of the Courts at Trichy. He further submitted that the petitioner has filed a petition in HMOP.No.277 of 2017 on the file of the Subordinate Court, Trichy for restitution of conjugal rights and the same is pending and if the case in DVOP.No.90 of 2015 is transferred to any of the Courts at Trichy, it would not cause any prejudice to the respondent.



3.The learned counsel for the respondent has submitted that the respondent is having 2 ½ years old minor child and she has to look after the said child also. He further submitted that even though the case has been filed in the year 2015, only recently, the petitioner has filed this petition stating that the respondent is giving threat to his life. He further submitted that the respondent is taking steps to transfer the case in HMOP.No.277 of 2017 from the Subordinate Court, Trichy to Family Court, Salem and hence if the DVOP.No.90 of 2015 is transferred to Trichy, then it would be very difficult for the respondent to travel from Salem to Trichy and conduct her case and hence she strongly opposed this petition.

4.Though the petitioner has stated that he has received phone calls threatening his life, he has not produced any proof to that effect. Further, the respondent is a lady and she is also having 2 ½ years old minor child and she has to look after the said child. Under the said circumstances, if the case in DVOP.No.90 of 2015 is transferred to Trichy, then it would be very difficult for her to travel from Salem to Trichy and therefore, this criminal original petition is liable to be dismissed.

5. For the aforesaid reasons, this criminal original petition is dismissed. Considering the fact that the petitioner is working in BHEL at Trichy his personal appearance before the trial Court is dispensed with. Further, the DVOP.No.90 of 2015 is pending from the year 2015 and hence the concerned Additional Mahila Court (Magistrate Level), Salem, is directed to dispose of the said case at early preferably within four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Additional Mahila Court, Salem.

+ 1 cc TO Mr.G.Sridharan , Advocate in SR No. 48721

+ 1 cc TO Mr.V.Chandra Sekar , Advocate in SR No. 48760

gsp

AE/KKR/SAR3/13.03.2018/2P/4C



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