



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. [MD].No.15436 of 2018

and

Cr1.M.P. (MD) Nos.6824 and 6825 of 2018

1.M.Younus
2.Kaththisha

: Petitioners

Vs.

Siththiga Banu

: Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to transfer the case in D.V.No.9 of 2018 from the file of the learned Judicial Magistrate, Periyakulam to the Court of learned Additional Mahila Court, Trichy or any other competent Court.

For Petitioner : Mr.K.M.Karunakaran

ORDER

This Criminal Original Petition has been filed for transfer of the case in D.V.No.9 of 2018, which is now pending on the file of the learned Judicial Magistrate, Periakulam to the file of the learned Additiona Mahila Court, Trichy.

2. The learned counsel for the petitioners would submit that the respondent has filed a petition under Section 12 of the Protection of Women of Domestic Violence Act, 2005, against the first petitioner who is the husband and the second petitioner who is the mother-in-law of the respondent . The petitioners would further submit that the respondent's father with the help of henchmen had trespassed into the house of the petitioners , attacked them and abused them and the petitioners have given a complaint before Lalgudi Police Station in this regard and the same has been taken on file and an F.I.R has been registered in Crime No.339 of 2018 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 448, 506(ii) I.P.C.

3.The learned counsel for the petitioners further submitted that both the petitioners sustained injuries, due to the attack and they were admitted as an in-patient in the Government Hospital and took treatment from 26.07.2018 to 02.08.2018. Therefore, the petitioners would submit that there is a potential life threat for the petitioners to appear before the learned Judicial Magistrate, Periakulam.



4.Considering the facts and circumstances of the case, this Court is not inclined to transfer the case from the file of the learned Judicial Magistrate, Periakulam. However, since there is a life threat to the petitioners and an F.I.R., has already been registered against the respondent's father in this regard, sufficient safeguards can be given to the petitioners to defend them in the pending D.V.No.9 of 2018.

5.The learned Judicial Magistrate, Periakulam is directed to permit the petitioners to be represented through a counsel in the Court during the proceedings and as and when the learned Judicial Magistrate directs the appearance of the parties, the first petitioner shall appear before the learned Judicial Magistrate Court without fail.

6.The petitioners shall not adopt any dilatory tactics before the court below and they will be effectively represented by a counsel, who shall ensure that the case is disposed of as expeditiously as possible. The appearance of the second petitioner is dispensed with and she shall be directed to appear before the court below only when the court finds that her appearance is absolutely necessary, till the disposal of the proceedings.

7.If on appearance by the first petitioner, the threat continues, the first petitioner is at liberty to file a memo before the court below and the court below shall ensure the safety and security of the petitioners, when they attend the court proceedings.

8. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

das

To

1.The Judicial Magistrate, Periyakulam.

2.The Additional Mahila Court, Trichy.

+1cc to M/S.K.M.Karunakaran, Advocate SR No.81338

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