



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

CORAM:

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

CRL.O.P (MD) No.18938 of 2013

WEB COPY

1.C.Chidhambaram

2.C.Radha

... Petitioners/

Respondents No.2 and 3

Vs.

S.Sudha

... Respondent /Petitioner

PRAYER: Criminal Original Petition is filed under Section 407 of the Code of Criminal Procedure, praying to withdraw the Crl.M.P.No.146 of 2013 on the file of the learned Judicial Magistrate, Palani and transfer the same to the learned Judicial Magistrate, Kangayam for trial and disposal.

For Petitioners : Mr.S.Vanchinathan

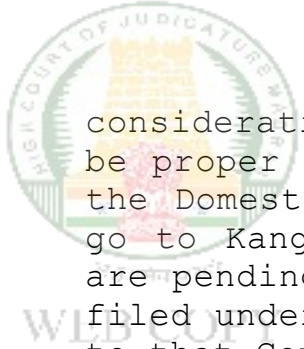
For Respondent : Mr.D.Venkatesh

O R D E R

This petition has been filed by the Respondents No.2 and 3 to transfer Crl.M.P.No.146 of 2013 from the file of the Judicial Magistrate, Palani to the Judicial Magistrate, Kangayam.

2.The learned counsel for the petitioners has submitted that the respondent herein has filed an application under the Domestic Violence Act and the same has been taken on file in Crl.M.P.No.146 of 2013 on the file of the Judicial Magistrate, Palani. He further submitted that the petitioners herein are in-laws of the respondent. Already based on the complaint given by the respondent, the police has filed a charge sheet against the son of the petitioners' and with regard to that, the said case is pending on the file of the Judicial Magistrate Kangayam in C.C.No.101 of 2013. He further submitted that the petitioners' son has also filed a private complaint and that a case was taken on file in C.C.No.234 of 2013, on the file of the Judicial Magistrate, Kangayam. He further submitted that the petitioners are aged persons and they are not able to travel from Kangayam to Palani for attending the court and hence he requested to transfer the Crl.M.P.No.146 of 2013 to the Judicial Magistrate, Kangayam.

3.The learned counsel for the respondent has submitted that the respondent is residing at Palani and therefore, if the case is transferred to Kangayam, she is being a lady, she cannot travel from Palani to Kangayam. Taking into



consideration the respondent is residing at Palani, it would not be proper to transfer Crl.M.P.No.146 of 2013 which is filed under the Domestic Violence Act and thereby directing the respondent to go to Kangayam. Further merely because some other criminal cases are pending before the Judicial Magistrate, Kangayam, the petition filed under the Domestic Violence Act also need not be transferred to that Court. Hence, I do not find any merit in this case.

4. Therefore, this Criminal Petition is liable to be dismissed. However, considering the age of the petitioners, their personal appearance before the trial Court is dispensed with.

5. With the aforesaid observations, this Criminal Original Petition is dismissed. Since the Crl.M.P.No.146 of 2013 is pending for the past five years, the learned Judicial Magistrate, Palani is directed to expedite the enquiry and dispose of the same at an early date.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Palani.
2. The Judicial Magistrate,
Kangayam.

+1cc to Mr.D.Venkatesh, Advocate Sr.No.46033

LS

VB/CVC/SAR3/01.03.2018/2P/4C

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