

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27548 of 2017

1.R.Srinivasan  
2.Kumar  
3.Ramani Ramadass  
4.Ranjani  
5.Chandrasekar @ Sethu ... Petitioners

Vs.

Rajalakshmi ... Respondent

Prayer:

Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, praying to transfer D.V.C.No.4 of 2017, pending on the file of the Judicial Magistrate No.III, Puducherry to the file of any competent Magistrate Court at Chennai City.

For Petitioner : Mr.V.V.Sairam

For Respondent : No Appearance

O R D E R

This petition has been filed seeking for transfer the proceedings, pending in D.V.C.No.4 of 2017, on the file of the learned Judicial Magistrate No.III, Puducherry.

2. At the time when this petition was filed, the proceedings were pending as against all the five petitioners. Subsequently, the proceedings as against petitioners 2 to 5 were quashed by this Court in Cr1.O.P.No.3051 of 2017, by an order dated 14.03.2019. Therefore, the present petition confines itself only to the first petitioner.

3. The respondent has been served notice and her name has also been printed in the cause list and there is no appearance on behalf of the respondent.

4. This petition has been filed seeking for transfer on the ground that the first petitioner suffers from 70% permanent

physical disability and that he is not in a position to travel from Chennai to Puducherry on all hearings dates. The further ground that has been raised by the petitioner is that the respondent has already initiated proceedings under Section 125 of Cr.P.C, seeking for maintenance against the first petitioner and the same is pending before the VI Additional Family Court, Chennai, in M.C.No.250 of 2019. That apart F.C.O.P.No.3555 of 2017, is also pending before the very same Court. Therefore, the respondent, who is already attending these proceedings in Chennai can also attend the proceedings in Domestic Violence Case at Chennai and no prejudice will be caused to the respondent.

5. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that the proceedings pending in DVC.No.4 of 2017, on the file of the Judicial Magistrate No.III, Puducherry, can be transferred to Chennai, since the second respondent is already coming to Chennai, to prosecute the cases, which have been referred supra. No prejudice will be caused to the respondent if the Domestic Violence Case is also transferred to Chennai.

6. In the result, the proceedings in DVC.No.4 of 2017, pending on the file of the learned Judicial Magistrate No.III, Puducherry, is hereby withdrawn and transferred to the file of the XVII Metropolitan Magistrate Court, Saidapet. The learned Judicial Magistrate No.III, Puducherry, is directed to send the entire case records to the file of the XVII Metropolitan Magistrate Court, Saidapet, within a period of two weeks from the date of receipt of copy of this order. Immediately, on receipt of the case records, the XVII Metropolitan Magistrate Court, Saidapet, is directed to complete the proceedings within a period of four months thereafter.

7. Accordingly, this Criminal Original Petition is disposed of with the above direction.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.III,  
Puducherry.
2. The XVII Metropolitan Magistrate Court,  
Saidapet.

+1cc to Mr.V.V.Sairam, Advocate, S.R.No.73668

Crl.O.P.No.27548 of 2017

PM(CO)  
CS/24/09/2019