



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.11931 of 2019

and

CrI.M.P.(MD) No.7488 of 2019

Selvarani

... Petitioner

Vs

1.Chinnasamy
2.Sithirakani
3.Pothaipandi
4.Chinnayeeammal
5.Satheeskannan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw the CC No.15 of 2018 on the file of the Judicial Magistrate Court, Vadipatti and to transfer the same to the Judicial Magistrate Court, Trichy.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.R.M.Anbunithi

O R D E R

This petition has been filed to withdraw the CC No.15 of 2018 on the file of the Judicial Magistrate Court, Vadipatti and to transfer the same to the Judicial Magistrate Court, Trichy.

2.Heard both sides.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the wife of the 1st respondent herein. They got married on 08.09.2011. Thereafter, the respondents and their family members harassed the petitioner and also demanded huge dowry. While being so, she was appointed in Southern Railways as Track Maintainer Grade IV at Hosur. Therefore, the respondent threatened her to resign her job. Therefore, there was misunderstanding between them and they got separated. In the meanwhile, the 1st respondent filed petition for divorce in H.M.O.P.No.228 of 2014 on the file of III Sub Court, Madurai. The petitioner filed



Tr.C.M.P.No.286 of 2015 before this Court and the same as allowed and as such, the divorce petition in H.M.O.P.No.228 of 2015 has been transferred to the file of the Principal Sub Court, Trichy and it is pending for trail. In fact, the petitioner also filed H.M.O.P.No.100 of 2017 for restitution of conjugal rights on the file of the Sub Court, Trichy and it is also pending. Thereafter, she filed a private complaint before the Judicial Magistrate, Vadipatti and the same has been taken cognizance in C.C.No.15 of 2018 as against the respondent for the offences under Sections 498 (A) and 494 I.P.C. Now, since the divorce petition as well as the petition for restitution of conjugal rights are pending with the file of Principal Sub Court Trichy, the learned counsel for the petitioner prays that the case in C.C.No.15 of 2018 also may be transferred to any of the Judicial Magistrate at Trichy.

4.The learned counsel appearing for the respondent submitted that the petitioner only lodged the complaint before the Judicial magistrate at Vadipatti and now, she seeks transfer to Trichy without any reason and hence, he prayed for dismissal of the petition.

5.Considering the above facts and circumstances of the case, this Court is of the view that since the divorce petition and the petition for restitution of conjugal rights are pending before the Principal Sub Court, Trichy, this Court is of the view that the present complaint in C.C.No.15 of 2018 pending on the file of the Judicial Magistrate, Vadipatti can be transferred to the file of the any of the Judicial Magistrate at Tricju.

6.Accordingly, this criminal original petition is allowed. The case in C.C.No.15 of 2018 on the file of the Judicial Magistrate, Vadipatti is hereby withdrawn and transferred to the file of the learned Judicial Magistrate No.2, Trichy. The learned Judicial Magistrate, Vadipatti is directed to send the entire records in C.C.No.15 of 2018 to the file of the learned Judicial Magistrate No.2, Trichy forthwith. On receipt of the entire records, the learned Judicial Magistrate No.2, Trichy is directed to complete the trial and dispose the same, within a period of 6 months thereafter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Arul



To

- 1.The Judicial Magistrate, Vadipatti.
- 2.The Judicial Magistrate No.2, Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SENTHIL, Advocate SR-95359.
+1 CC to M/s.N. SATHEESH KUMAR, Advocate SR-95552.

Order made in
CRL.O.P (MD) No.11931 of 2019
30.10.2019

CS (14.11.2019) 3P 6C