



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2019
CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD).Nos. 12329 & 12385 of 2019
and Crl.M.P.(MD) No. 7742 of 2019
in Crl.O.P(MD) No. 12329 of 2019
and Crl.M.P.(MD) No. 7758 of 2019
in Crl.O.P.(MD) No. 12385 of 2019

S.V. Bhuvanesh @ Harish Bhuvan ... Petitioner in both Crl.O.Ps.

Vs.

Madhumitha ... Respondent in Crl.O.P(MD)
No.12385 of 2019

1. Madhumitha
2. Minor Thushithamithra ... Respondents in Crl.O.P(MD)
(rep. By her mother and No.12329 of 2019
natural guardian Madhumitha)

Prayer in Crl.O.P.(MD) No. 12385 of 2019 : Criminal Original Petition filed under section 482 of Criminal Procedure Code, to order to withdraw and transfer the case in DVC No. 104 of 2018 pending on the file of the Judicial Magistrate, Additional Mahila Court, Tiruchirappalli to any other Judicial Magistrate Court in any other District except Tiruchirappalli District.

Prayer in Crl.O.P.(MD) No. 12329 of 2019 : Criminal Original Petition filed under section 482 of Criminal Procedure Code, to order to withdraw and transfer the case in MC No. 115 of 2018 pending on the file of the Family Court, Tiruchirappalli to any of the Court in any other District except Trichy District.

In Both Crl. O.Ps

For Petitioner : Mr. A.K. Manickam
For Respondents : Mr.M. Kumar

COMMON ORDER

Crl.O.P.(MD) No. 12385 of 2019 is filed to withdraw and transfer the case in DVC No. 104 of 2018 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli to any other Judicial Magistrate Court in any other District except Tiruchirappalli District.



Crl.O.P.(MD) No. 12329 of 2019 is filed to withdraw and transfer the case in MC No. 115 of 2018 pending on the file of the Family Court, Tiruchirappalli to any of the Court in any other District except Trichy District.

2. The petitioner in both the cases is husband of the respondent. Due to misunderstanding between them, they got separated and living separately. While, being so, the respondent has filed a complaint under Domestic Violence Act in DVC No. 104 of 2018 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli and the respondent/wife has also filed a case in MC No. 115 of 2018 for claiming maintenance as against the petitioner before the learned Judge, Family Court, Tiruchirappalli. The petitioner is residing at Cumbum, Theni District and the respondent is living at Uraiyr at Trichy District. The father of the respondent is practicing as Advocate at Trichy Bar Association. Therefore, the petitioner apprehends that he would not get fair justice.

3. Now, both the learned counsel appearing for the petitioner and the respondents submitted that the matters may be transferred to the file of the any one of the Court at Pudukottai and it is easy to come for proceeding with the trial.

4. Considering the submissions, the case in MC No. 115 of 2018 is hereby withdrawn from the file of the learned Judge, Family Court, Tiruchirappalli and the same is transferred to the file of the learned Judicial Magistrate No.I, Pudukkottai and the case in DVC No. 104 of 2018 is hereby withdrawn from the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli and the same transferred to the file to the learned Judicial Magistrate No.I, Pudukkottai. On receipt of the entire bundles in MC No. 115 of 2018 and DVC No. 104 of 2018, the learned Judicial Magistrate No.I, Pudukkottai is directed to complete the trial in both the cases within a period of Six Months from the date of receipt of a copy of the order.

5. Accordingly these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar (CS)

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To

1. The Judicial Magistrate,
Additional Mahila Court, Thiruchirappali

2. The Judge,
Family Court, Tiruchirappalli

3. The Judicial Magistrate No.I,
Pudukottai

+2 CC to Mr.M. KUMAR, Advocate SR-102493,102494

+2 CC to Mr.A.K. MANICKAM, Advocate SR-102815,102814

Common Order made in
Crl.O.P (MD) Nos. 12329
& 12385 of 2019
28.11.2019

MK (27.01.2020) 3P 8C