



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 02.12.2019**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**CRL OP (MD) . No.18976 of 2015**

**and**

**M.P. (MD)No.1 of 2015**

**WEB COPY**

1.Sheik Bareeth  
2.Mahamudha  
3.Abdul Ajeesh  
4.Mohamed Ibrahim  
5.Minnal Meharu @ Mehraj Fathima  
6.Sahul Hameed

... Petitioners

**Vs**

1.The State Rep, by  
The Inspector of Police,  
All Women Police Station,Karur.

2.Thasleem Banu

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 of Cr.P.C, to withdraw and transfer the case in C.C.No.162 of 2015, pending on the file of the learned Judicial Magistrate No.II, Karur to any of the competent Court at Dindigul District, preferably Judicial Magistrate No.I, Dindigul to try the same.

For Petitioners : Mr.N.Sathish Babu

For Respondents : Mr.A.Robinson

Govt. Advocate (Crl. Side) for R1

: Mr.R.Alagumani for R2SS

**O R D E R**

The petitioners are facing trial in C.C.No.162 of 2015, on the file of the learned Judicial Magistrate No.II, Karur. The second respondent herein is the defacto complainant. The marriage between the first petitioner and the defacto complainant took place at Karur. The matrimonial home was at Karur. The marital relationship between the parties broke down and the defacto complainant lodged a complaint before All Women Police Station, Karur. The case was investigated and final report was filed before the learned Judicial Magistrate No.II, Karur. Cognizance of the offences under Sections 498(A), 294(b), 323 and 506(i) of I.P.C., was taken. The case itself was taken up for trial by the learned Judicial Magistrate No.II, Karur. Seeking transfer of the said case to the Court of Dindigul, this criminal original petition came to be filed.

2.It is true that the marriage was at Dindigul and the matrimonial home was also at Dindigul. But then, the defacto complainant's parents are residents of Pallapatti, Aaravakurchi Taluk in Karur District. The defacto complainant had to take shelter in her parents home. Whether it was open to her to access the Court



in her place is the issue that came up for consideration before the Honourable Supreme Court in **2019 5 SCC 384 (Rupali Devi Vs State of Uttra Pradesh)**. The Honourable Apex Court framed the question in the following terms:-

*''Whether a woman forced to leave her matrimonial home on account of acts and conduct that constitute cruelty can initiate and access the legal process within the jurisdiction of the Courts where is forced to take shelter with the parents or other family members''*

3.The said question was answered in favour of the victim. The Honourable Supreme Court held that the Court at the place where the wife takes shelter after leaving or driven away from the matrimonial home would also have jurisdiction to entertain a complaint. Since the question raised by the petitioner has been answered in favour of the second respondent, I find not ground to grant any relief in this criminal original petition. It stands dismissed. consequently, connected miscellaneous petition is closed.

4.The personal appearance of the petitioners 2 to 6 are dispensed with. However, the Court below will insist on the personal appearance of the petitioners 2 to 6 only on three occasions namely, to answer the charge, to examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioners 2 to 6 need not appear before the Court below. However, on those occasions, the petitioners 2 to 6 will have to be represented by their counsel. If the petitioners' 2 to 6 counsel is also absent, the benefit of dispensing with the personal appearance of the petitioners 2 to 6 will stand automatically vacated.

Sd/-

Assistant Registrar (Crl.side)

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/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Judicial Magistrate No.II,Karur.
- 2.The Inspector of Police,All Women Police Station,Karur.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.SATHISHBABU, Advocate ( SR-103169[F] dated 03/12/2019

**Crl.O.P. (MD)No.18976 of 2015**

**02.12.2019**

**SMA/04/06/2020/2P/5C**