



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.12853 of 2017

Crl.M.P.No.8811 of 2017

Nachiyar

... Petitioner

-vs-

1.Jeevanandamurugan

2.Balasubramanian

3.Guruvammal

4.Kannan

5.Thangamani

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the case in D.V.No.3 of 2016 from the file of learned Judicial Magistrate, Rajapalayam, Virudhunagar District to the file of the learned Judicial Magistrate, Andipatti, Theni District and consequently direct the transferee Court to try the said case in accordance with law.

For Petitioner : Mr.R.Nireshkumar

For Respondent : Mr.M.Jothibasur for R1

No appearance for R2 to R5

O R D E R

This petition has been filed seeking to transfer the proceedings pending in D.V.No.3/2016 on the file of the Judicial Magistrate, Rajapalayam.

2.The petitioner has initiated proceedings against the respondents under the Domestic Violence Act. This petition has been filed seeking for transfer only on the ground that the petitioner has now moved along with her parents to Theni and therefore, the proceedings may be transferred to Theni.

3.The learned counsel on either side submitted that there is a divorce proceedings pending on the file of the Sub Court, Theni and the parties are attending the proceedings at Sub Court, Theni.



4.Taking note of the above, this Court deems it fit to transfer the proceedings to the Judicial Magistrate, Theni, so that the parties can attend to the proceedings in the same place.

5.In the result, the proceedings in D.V.No.3/2016 pending on the file of the Judicial Magistrate, Rajapalayam, is withdrawn and transferred to the file of the Judicial Magistrate, Theni. The Judicial Magistrate, Rajapalayam shall transfer the entire case records within a period of two weeks from the date of receipt of copy of this order to the file of the Judicial Magistrate, Theni and immediately on receipt of the case records, the Judicial Magistrate, Theni, shall re-number the case and complete the proceedings within a period of three months thereafter.

6.This criminal original petition is accordingly allowed and the personal appearance of the respondents 2 to 5 is dispensed with and they shall be represented by a counsel before the Court below. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

RR

To

- 1.The Judicial Magistrate, Rajapalayam.
- 2.The Judicial Magistrate, Theni.

+1 CC to M/s.M.JOTHI BASU, Advocate SR-88413.
+1 CC to M/s.R.NIRESH KUMAR, Advocate SR-88456.

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CS (10.10.2019) 2P 5C