

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

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

CrI.O.P.No.1341 of 2020

and

CrI.M.P.No.806 of 2020

1.S.Umapathy,
S/o of Kannappan

2.Selva,
W/o Umapathy

Both are residing at No.62-A,
Thiruvalluvar Street,
Jagathambigai Nagar,
Padi, Chennai 600 050

... Petitioners

Vs.

1.V.Jayalakshmi,
D/o late Varadhan,
New No.4, Old No.2/3, V.G.P.Layout,
First Lane, Saidapet,
Chennai 600 015

2.Harikrishnan
S/o Umapathy,
No.62, Thiruvalluvar Street,
Jagathamabigai Nagar,
Padi, Chennai 600050.

3.Baladhandapani,
S/o Seetharaman,
No.62-A, Thiruvalluvar Street,
Jagathambigai Nagar,
Padi, Chennai 600050.

4. Revathy
W/o Baladhandapani
No.62-A, Thiruvalluvar Street
Jagathambigai Nagar
Padi, Chennai 600050

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to withdraw the case in M.C.No.62 of 2015 from the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai of 2019 and transfer the same to the file of the learned XIII Metropolitan Magistrate Court, Egmore, Chennai where C.C.No.2899 of 2016 is pending.

For Petitioner : No Appearance

For R1 : Mr. M. Rakhi

For R2 to R4 : No Appearance

O R D E R

This petition has been filed for seeking to transfer the case in M.C.No.62 of 2015 from the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai to the file of the learned XIII Metropolitan Magistrate Court, Egmore, Chennai wherein C.C.No.2899 of 2016 is pending.

2. The petitioners are in-laws of the first respondent and arrayed as A2 and A3. Now they are facing compliant in second Domestic Violence Act in M.C.No.62 of 2015 in fact already the first respondent filed a complaint and the same was taken cognizance for the offence under section 498-A of IPC and also they are facing trial in C.C.No.2899 of 2016 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai. Therefore, the petitioners sought for the present D.V.Act to the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai.

3.The learned counsel for the first respondent would submit that the Maintenance case in M.C.No.62 of 2015 filed under Section 12 of Domestic Violence Act was pending from the year 2015, even the petitioner/A1 has not co-operate with the trial and raise serious allegations as against him, as such she filed a compliant in DV Act for various relieves.

4.Heard Mr.Rakhi learned counsel appearing for the first respondent.

5.It is seen that the petitioners are arrayed as A2 & A3 and 3rd respondent given complaint lodged by the first respondent under the Domestic Violence Act in M.C.No.62 of 2015 and it is pending for trial on the file of the IX Metropolitan Magistrate Court, Saidapet on the complaint lodged by the first respondent for the offence under Section 498-A of IPC. The ptitioner/A1 also faced the trial in C.C.No.2899 of 2015 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai, the trial has not yet been completed in Domestic Violence Act complaint and it is pending

from the year 2015. Therefore, the petitioners are seeking transfer from Saidapet to Egmore, the petitioner is able to appear before Egmore Court and they appeared before Saidapet Court also. Therefore, this Court cannot be considered to transfer the case on devoid of merits. Further, his presence appear before the trial Court in M.C.No.62 of 2015, is dispensed with and the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

6. With the above observation, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

- 1.The IX Metropolitan Magistrate Court,
Saidapet
- 2.The XIII Metropolitan Magistrate Court,
Egmore, Chennai
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1341 of 2020
and

Crl.M.P.No.806 of 2020

AD(CO)
CB(01/10/2020)

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