

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. No. 1456 of 2020
and
Crl.M.P. Nos. 876 & 877 of 2020

1. A.N.S.Charles
2. Alponsa Petitioners

Vs

Shoba Mary ... Respondent

Prayer :- Criminal Original Petition filed under Section 407 Cr.P.C., to withdraw and transfer the D.V.C. 11 of 2019 on the file of the learned Judicial Magistrate, Gudiyattam to some other court outside the Gudiyattam and to proceed further in accordance with law.

For Petitioners : Mr.B.K.Girish Neelakantan

For Respondent : Mr.T.Murugananthan

ORDER

This petition has been filed for transfer of D.V.C. Petition/D.V.C. Case in D.V.C. No. 11 of 2019 from the file of learned Judicial Magistrate, Gudiyatham to some other court outside the Gudiyattam.

2. The learned counsel for the Petitioners submitted that the first and second petitioners are the husband and mother-in-law of the respondent. After the marriage of the first petitioner and the respondent, there was a strained relationship and as such the first petitioner herein filed a petition for divorce in I.D.O.P. No. 142 of 2019, which is pending before the District & Session Court, Trichy.

3. A perusal of the records, after filing the Divorce Petition filed by the first petitioner, the respondent has filed a complaint under the Domestic Violence Act, 2005 against the first petitioner. The first petitioner filed a Divorce Petition before the learned Judicial Magistrate, Gudiyattam and now he

want to transfer the same from the Judicial Magistrate, Gudiyattam, Vellore District to some other Court, since, the second petitioner is about 62 years old, who is the mother of the first petitioner. The first petitioner is only the breadwinner of his family, in that situation, the first petitioner could not able to attend the Court proceedings regularly outside Gudiyattam. Hence, this Court is not inclined to transfer the Domestic Violence Complaint in D.V.C.No.11 of 2019 to some other Court.

4. However, considering the age of the second petitioner, the personal appearance of the second petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. The second petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. The trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order.

5. With the above direction, this criminal original petition is dismissed. Consequently, connected criminal miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Gudiyattam.
2. The Public Prosecutor,
High Court, Madras.

+lcc to M/s.Girish Neelakandan, Advocate Sr.23238
+lcc to M/s.T.Muruganantham, Advocate Sr.23357

CrI.O.P. No. 1456 of 2020
and

CrI.M.P. Nos. 876 & 877 of 2020

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srg 25/08/2020