

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3985 of 2020

and

Crl.M.P.No.2318 of 2020

Keerthika,
W/o.Mahadev,
G-2, Esteem Residency,
10/25, Gandhi Street,
Near Panchamukha Anjaneyar Koil,
Taramani,
Chennai - 600 113. ... Petitioner/Defacto Complainant

Vs.

1. The State of Tamilnadu,
Represented by the Inspector of Police,
AWPS Cantonment,
Trichy City,
Trichy District.
(Crime No.18 of 2016)...1st Respondent/Complainant
2. Mahadev,
S/o.Ravi Swaminathan,
2-E, 3rd Floor,
6, APS Luxuria Apartments,
Cantonment, Trichy.
3. Ravi Swaminathan,
S/o.Ramakrishnan,
2-F, 3rd Floor,
6, APS Luxuria Apartments,
Cantonment, Trichy.
4. Pushpakala,
W/o.Ravi Swaminathan,
2-F, 3rd Floor,
6, APS Luxuria Apartments,
Cantonment, Trichy. ... Respondents 2 to 4 / A1 to A3

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the proceedings in C.C.No.127 of 2016 on the file of the Additional Mahila Court, Trichy to Mahila Court, Chennai.

For Petitioner : Mr.K.S.Karthik Raja
For Respondents
For R1 : Mr.S.Karthikeyan
Additional Public Prosecutor
For R2 to R4 : No appearance

ORDER

This petition has been filed for transfer of proceedings in C.C.No.127 of 2016 pending on the file of the Additional Mahila Court, Trichy to the Mahila Court, Chennai.

2. The learned counsel appearing for the petitioner would submit that, the petitioner is the wife of the second respondent and she lodged a complaint for the offences punishable under Sections 498(A) and 406 of IPC as against the accused persons namely her husband and her in-laws. It is pending for trial after examining the petitioner as P.W.1 on 03.01.2020, on the file of the Additional Mahila Court, Trichy.

3. The learned counsel for the petitioner further submitted that, the petitioner also filed petition for maintenance under Section 125 of Cr.P.C., in M.C.No.138 of 2015 and it is pending on the file of the Family Court, Chennai. She also filed another petition for maintenance and other reliefs under the Domestic Violence Act in M.C.No.3 of 2016 and it is pending on the file of the 18th Metropolitan Magistrate Court, Chennai. Now, the petitioner is residing in Chennai, and as such, it is very difficult for her, to attend trial Court at Trichy. Therefore, she sought for transfer of the entire case to the file of the Family Court, Chennai.

4. The learned Additional Public Prosecutor would submit that, only on the complaint lodged by the petitioner, the first respondent registered the case and filed final report in Crime No.18 of 2016 for the offences punishable under Section 498 (A) and 406 of IPC and the same has been taken cognizance in C.C.No.127 of 2016 on the file of the Additional Mahila Court, Trichy. Now, the prosecution for examining P.W.1, namely the petitioner herein in chief and the same is posted for cross examination of P.W.1. All the witnesses are from Trichy and if the case is transferred to Chennai, it is very difficult for the prosecution to complete the trial. Therefore, he sought for dismissal of the transfer petition.

5. Heard Mr.K.S.Karthik Raja, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the first respondent.

6. The petitioner is wife of the second respondent and she lodged complaint as against her husband/second respondent and his family members and the same has been taken cognizance in C.C.No.127 of 2016 for the offences punishable under Sections 498(A) and 406 of I.P.C. Now, the trial began and

she was examined as P.W.1 and it is posted for further witness/evidence. Though she filed maintenance case at Chennai, the present case is the police case and the prosecution has to examine all the witnesses hailing from Trichy. At this stage, the transfer of the case would affect the entire trial, since all the witnesses are only from Trichy. Therefore, this Court is not inclined to transfer the case. Accordingly, this Criminal Original Petition is dismissed. However, the trial Court is directed to complete the trial proceedings within a period of six months, on condition that, the petitioner shall co-operate with the prosecution for completing the trial proceedings. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Judge, Additional Mahila Court,
Trichy.

2. The Inspector of Police,
AWPS Cantonment,
Trichy City,
Trichy District.

3. The Public Prosecutor,
High Court, Madras.

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and
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