

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.7218 of 2019

and

Crl.M.P.No.3981 of 2019

Thirumurugan

...Petitioner

Vs.

1. Jayanthi @ Ponniammal

2. Vishali(minor)

3. Karnan(minor)

(2nd and 3rd respondents are represented by mother and natural guardian, 1st respondent) ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. Praying, to set-aside the dismissal order dated 11.01.2019 passed in Tr.C.M.P.No.630 of 2018 on the file of the learned Chief Judicial Magistrate, Thiruvallur and pass an order to withdraw and transfer the CMP No.2093 of 2010 on the file of the learned Judicial Magistrate, Poonamallee to the learned Judicial Magistrate, Ambattur.

For Petitioner : No Appearance
For Respondents : No Appearance

O R D E R

This Petition has been filed challenging the order passed in Tr.C.M.P.No.630 of 2018 on the file of the learned Chief Judicial Magistrate, Thiruvallur dated 11.01.2019, thereby dismissing the petition filed by the petitioner to transfer the C.M.P.No.2093 of 2010 from the file of the learned Judicial Magistrate, Poonamallee to the file of the learned Judicial Magistrate, Ambattur.

2. It is seen from the affidavit filed in support of this petition, the petitioner got married with the first respondent. After their wedlock they gave birth to two children viz., the second and third respondents. Due to family dispute the respondents were driven out from the matrimonial house and as such, the first respondent filed a complaint under Domestic Violence Act in C.M.P.No.2093 of 2010 on the file of the learned

Judicial Magistrate No.I, Poonamallee. The petitioner filed transfer petition in Tr.C.M.P.No.630 of 2018 on medical ground stating that he is suffering continuously taking treatment for his neck and throat pains. Therefore, he is not able to come to Poonamallee to attend the Court hearings and further it is seen that the first respondent filed Domestic Violence complaint in the year 2010. After a period of 8 years the Tr.C.M.P before the learned Chief Judicial Magistrate, Thiruvallur for transfer of Domestic Violence complaint. Further it is also seen that the first respondent has filed interim maintenance against the petitioner in C.M.P.No.6910 of 2012 and it was ordered in favour of the respondents herein and thereby directing the petitioner to pay a sum of Rs.5,000/- to the first respondent and Rs.2,500/- each to the two minor children. It is also challenged before this Court in Crl.R.C.No.2 of 2013, which was modified to that effect that the petitioner shall pay a sum of Rs.2,500/- to the 2nd and 3rd respondents alone. Thereafter, the petitioner did not even pay a single paise to the interim maintenance to the respondents 2 and 3. Therefore, this petition has been filed only to drag on the proceedings and nothing else. Therefore, the learned Chief Judicial Magistrate, Thiruvallur has rightly dismissed the transfer petition in Tr.C.M.P.No.630 of 2018.

3. Therefore there is no irregularity or infirmity in the order passed by the Court below. The grounds raised by the petitioner are baseless.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Chief Judicial Magistrate, Thiruvallur.
2. The learned Judicial Magistrate, Poonamallee.
3. The Judicial Magistrate, Ambattur.

CRL.O.P.No.7218 of 2019

PVS (CO)
KKV/03/09/2020