

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 4926 of 2020
and Crl.M.P. No.2832 of 2020

M.Dhivya.

... Petitioner

Vs.

V.Devarajan

... Respondent

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C. praying to withdraw S.T.C. No.17 of 2020 from the file of Learned Judicial Magistrate II, Mettur Dam and transfer to the file of Learned Judicial Magistrate at Tambaram, Chennai.

For Petitioner : Mr. K.N.Nataraj

For Respondent : No Appearance

O R D E R

This petitioner has been filed to withdraw S.T.C. No.17 of 2020 from the file of Learned Judicial Magistrate II, Mettur Dam and transfer to the file of Learned Judicial Magistrate at Tambaram, Chennai.

2. It is seen that the respondent is the relative of petitioner's husband. Already there is misunderstanding between the petitioner and her husband and as such there was constrained relationship between them. The husband filed a petition of restoration of conjugal rights in H.M.O.P. No.126 of 2017 and another divorce petition in H.M.O.P. No.74 of 2018 before the Family Court, Thiruvallur. The wife filed a transfer petition before this Court, and this Court was pleased to transfer the H.M.O.P. No.74 of 2018 to the file of Sub Court, Tambaram. Again the petitioner wife filed D.V.O.P. No. 3 of 2019 as against the husband and his family members and it is pending on the file of Judicial Magistrate, Tambaram. It is seen that there was money dispute between the petitioner and the respondent and hence, proceedings under Section 138 of Negotiable Instruments Act had been initiated in S.T.C. No.17 of 2020 against the petitioner herein.

3. The proceedings initiated by the respondent under Section 138 of Negotiable Instruments Act in S.T.C. No.17 of 2020 as against the petitioner has nothing to counter blast the Family Court proceedings between the petitioner and her husband. Hence, on that ground S.T.C. No.17 of 2020 cannot be transferred as sought by petitioner.

4. This Criminal Original Petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioner's appearance before the Judicial Magistrate II, Mettur Dam is dispensed with. The trial Court is directed to complete the trial within a period of nine months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

bkn

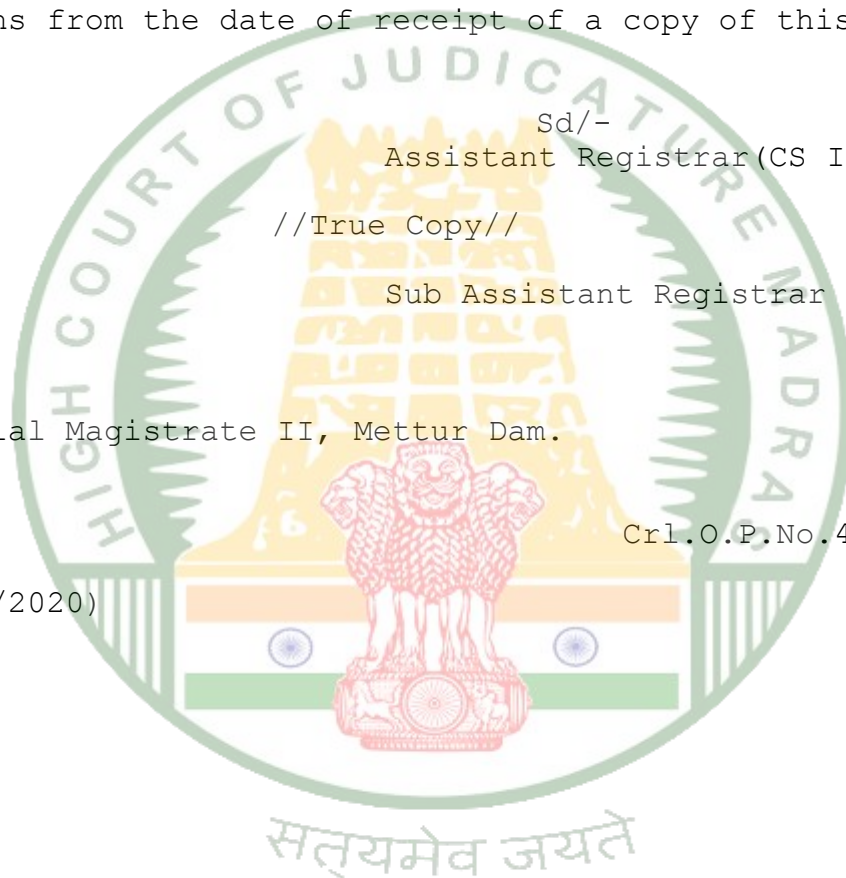
To

The Judicial Magistrate II, Mettur Dam.

AJS (CO)

RMP (14/10/2020)

Crl.O.P.No.4926 of 2020



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