

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4380 of 2020
and
Crl.M.P No.2512 of 2020

M.Senthil Kumar
S/o.Late V.Malaichami,
No.2/1-D, Gandhi Nagar,
1st Street, Melur,
Madurai District. ... Petitioner /Respondent

Vs

- 1.S.Sandhiya @ Gunapandiselvi
W/o.M.Senthil Kumar
2. Minor S.Laya
D/o.M.Senthil Kumar
Minor child is
Represented herein by the
Mother and Natural Guardian
1st respondent
No.28, Radha Krishna Flats
SBI Main Colony
Nanganallur, Chennai-600 061. ... Respondents/Petitioners

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw the M.C No.32 of 2019 on the file of the Mahila Court, Magistrate Level, at Alandur, Chennai and transfer the same to the Judicial Magistrate, Melur, Madurai District.

For Petitioner : Mr.C.Pavendhan
For Respondents: No Appearance

ORDER

This Criminal Original Petition has been filed seeking transfer of case in M.C No.32 of 2019 from the file of the Mahila Court, Magistrate Level, at Alandur, Chennai to the Judicial Magistrate, Melur, Madurai District.

2. The learned counsel for the petitioner would submit that the petitioner is residing at Melur, Madurai District. He has filed a petition for restitution of conjugal rights in

HMOP No.226 of 2019 and it is pending on the file of the Sub Court, Melur. Further, he apprehends some threat from the side of the respondents and as such, he is very much appeared before the trial Court in M.C No.32 of 2019. Therefore, he sought for transfer of case from the file of the Mahila Court, Magistrate Level, Alandur, Chennai to the file of the Judicial Magistrate, Melur, Madurai District.

3. On a perusal of records shows that the petitioner is the husband of the 1st respondent herein. They got married on 09.02.2017. Due to their wedlock, the 2nd respondent was born to them and thereafter, there was a strained relationship between the petitioner and the 1st respondent. Therefore, the respondents were driven out from the matrimonial home and they are living in Chennai. The respondents have filed a maintenance case in M.C No.32 of 2019 seeking maintenance and it is pending on the file of the Mahila Court, Magistrate Level, Alandur, Chennai. Therefore, the petitioner has also filed a petition in HMOP No.226 of 2019 for restitution of conjugal rights as against the respondents and it is pending on the file of the Sub Court, Melur. The respondents being the wife and minor child of the petitioner cannot be travelled to Madurai to appear before the Court. Therefore, the 1st and 2nd respondents being the wife and minor child of the petitioner are also having residence at Chennai and attending the case at Chennai. Therefore, the petitioner being the husband he can very well come to Chennai and appear before the trial Court at Chennai. Therefore, this Court is not inclined to entertain this petition.

4. Accordingly, this Criminal Original Petition is dismissed. However, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To
The Mahila Court,
Magistrate Level,
Alandur, Chennai

CrI.O.P.No.4380 of 2020
& CrI.M.P No.2512 of 2020

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