

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.7101 OF 2020

AND

CRL.M.P.NOS.3848 AND 3849 OF 2020

R.Gopal Raj

S/o.G.Ramachandran

... Petitioner/Respondent

Vs.

R.Sujitha

D/o.V.Ramu

...Respondent/Petitioner

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C, to transfer the D.V.C. Case No.13 of 2019 pending on the file of Judicial Magistrate-I, Kanchipuram to Judicial Magistrate Court, Chengalpattu.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

This Criminal Original Petition has been filed to transfer the D.V.C. Case No.13 of 2019 pending on the file of Judicial Magistrate-I, Kanchipuram to Judicial Magistrate Court, Chengalpattu.

2. The petitioner is the husband of the respondent and the marriage between the petitioner and the respondent was solemnized on 21.10.2018. Thereafter, the petitioner came to know that the respondent has severe mental health problems and psychiatric trouble even before the wedding i.e., from 2010 onwards. The parents of the respondent had convinced her to get married irrespective of these problems. The petitioner suffered insults and weird moments due to the attitude of the respondent, due to which the petitioner had filed a petition before the Sub-Court Tambaram in H.M.O.P.No.415 of 2019 to declare the marriage as null and void solemnized between them. Thereafter, the respondent filed a petition in H.M.O.P. No.239 of 2019 before

the Principal Sub-Judge, Kanchipuram for Restitution of Conjugal rights and also filed a petition under the provisions of Domestic Violence Act in D.V.C.No.13 of 2019 pending on the file of the Judicial Magistrate Court-I, Kanchipuram. The petitioner is residing at Anakaputhur. For each and every hearing, the petitioner travel about 60 Kms one way to attend the hearing. Hence, the petitioner prays to transfer the case to the Judicial Magistrate Court, Chengalpattu.

3. In the affidavit filed in support of the petitioner it is stated that since the respondent and her parents threatened the petitioner and his father with dire consequences, they were having life threat in attending the trial at Kanchipuram Court, and hence, the petitioner gave a complaint before the Inspector of Police, Sankar Nagar Police Station, to inquire the matter, in which CSR was obtained.

4. Perused the materials available on record.

5. It is seen that, the petitioner got married to the respondent on 21.10.2018. Due to the matrimonial dispute, after completion of the one year, the petitioner had filed a H.M.O.P, which is pending before the Sub-Court, Tambaram. Thereafter, the respondent had filed a Restitution of Conjugal rights in H.M.O.P.No.239 of 2019, which is also pending before the Principal Sub-Judge, Kanchipuram. Further, the respondent has also filed a D.V.C.No.13 of 2019 under Domestic Violence Act, which is pending before the learned Judicial Magistrate Court-I, Kanchipuram. The respondent is being the wife of the petitioner filed a Domestic Violence Petition before the Jurisdictional Magistrate Court. Therefore, the grounds raised by the petitioner cannot be considered for transfer of the case. Therefore the petition is devoid of merits and dismissed. However, the trial Court is directed to complete the trial within a period of six weeks from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate-I,
Kanchipuram.

2. The Judicial Magistrate Court,
Chengalpattu.
3. The Subordinate Judge,
The Subordinate Court,
Tambaram.

CRL.O.P.No.7101 of 2020
and
CRL.M.P.Nos.3848 and 3849 of 2020

NRJK (CO)
CS/06/11/2020