

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.34099 of 2020
and
Crl.M.P.No.18856 of 2019

S.Varadharajan
S/o. G.Srinivasan
No.101/19, Gandhi Road,
Padi Kuppam Road,
Anna Nagar West,
Chennai - 600 040. Petitioner

Vs

1. Mrs.Meena
W/o. Mr.S.Varadharajan
2. Minor V.Kishore
S/o. Mr.S.Varadharajan
3. Minor.V.Rithika
D/o. Mr.S.Varadharajan

All are residing at
C/o P.B.Nagendiran
No.9, Rajaji Kulakarai Street,
Walajapet, Vellore District. Respondents

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C, praying to pass an order withdrawing the M.C.No.132 of 2016 on the file of the IV Additional Judge, Family Court, Chennai and transfer the same to the Judicial Magistrate, Ambattur.

For Petitioners : M/s.S.Ilamuhil
For Respondents : No Appearance

O R D E R

This petition has been filed to withdraw the M.C.No.132 of 2016 on the file of the IV Additional Judge, Family Court, Chennai and transfer the same to the learned Judicial Magistrate, Ambattur.

2. It is seen that the petitioner is the husband, first respondent is the wife, second and third respondents are minor children of the petitioner. The maintenance Case in M.C.No.132 of 2016 is pending before the learned IV Additional Judge, Family Court, Chennai.

3. The learned counsel for the petitioner submitted that while cross examining the first respondent by the petitioner, the petitioner was threatened by the counsel who appeared on behalf of the respondents and also abused the petitioner and threatened him with dire consequences. Immediately he also lodged a complaint before the Inspector of Police, B-4 Police Station, High Court, Madras, as against the Counsel who appeared on behalf of the respondents and the same is pending without even conducting enquiry. In fact, the petitioner also lodged a complaint in this regard before the Bar Counsel of Tamil Nadu, High Court, Madras, on 10.12.2019 and it is also pending. Further on perusal of records, the petitioner is residing at Madras. The respondents are residing at Walaja, Vellore District. But they have filed a case for the maintenance before the learned IV Additional Judge, Family Court, Chennai.

4. Despite service of notice to the respondents, none appeared on behalf of the respondents.

5. Considering the facts and circumstances, this Court is inclined to withdraw the petition in M.C.No.132 of 2016 from the file of learned IV Additional Judge, Family Court, Chennai and the same is transferred to the learned Judicial Magistrate - II, Poonamallee. It is also seen that it is appropriate to transfer the matter to learned Judicial Magistrate - II, Poonamallee for the convenience of the respondents also. Therefore, the maintenance case in M.C.No.132 of 2016 on the file of the learned IV Additional Judge, Family Court, Chennai is hereby withdrawn and the same is transferred to learned Judicial Magistrate - II, Poonamallee and on receipt of the entire bundle from the learned IV Additional Judge, Family Court, Chennai, the learned Judicial Magistrate - II, Poonamallee is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate - II,
Poonamallee.
2. Do thro the Chief Judicial Magistrate, Thiruvallur
- 3.The IV Additional Judge,
Family Court, Chennai.

CRL.O.P.No.34099 of 2019

A.SK(25/09/2020)



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