



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.03.2020
CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.(MD)No.11858 of 2016
and Crl.M.P.(MD)No.5670 of 2016

V.Sumathi ... Petitioners/Defacto Complainant

Vs.

1.The State Rep. Through
The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District. ... Respondent No.1/Complainant

2.M.Velan
3.Kanakavalli
4.Punitha
5.Geetha
6.Latha ... Respondents 2 to 6/A1 to A5

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C., to withdraw the C.C.No.176 of 2015 pending on the file of the Judicial Magistrate, Pattukottai, Thanjavur District and transfer the file to the learned Additional Mahila Court (Magistrate Level), Coimbatore.

For Petitioner : Mr.C.Muthusaravanan
For R1 : Mr.S.Chandrasekar,
Additional Public Prosecutor.
For R2, R4, R5, R6 : Mr.S.Deenadhayalan

ORDER

Petition filed under Section 407 of Cr.P.C., for transferring the case in C.C.No.176 of 2015 pending on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

2.Based on the complaint given by the petitioner herein on 14.02.2014 before the All Women Police Station, Pudukkottai, a case in crime No.6 of 2014 was registered and had investigated the case against the respondents 2 to 6 for the offence under Sections 498-A, 495, 420 r/w 109 IPC and Section 4 of TNPHW Act, 2002. After completion of investigation, final report has been filed as against the respondents 2 to 6 for the offence under Sections 498-A, 495, 420 r/w 109 IPC and Section 4 of TNPHW Act, 2002 altered into 417, 498-A, 495, 420 r/w 109 IPC and Section 4 of TNPHW Act, 2002.



3.Final report has been taken on file by the learned Judicial Magistrate, Pudukkottai, Thanjavur District in C.C.No.176 of 2016. At present, the Judicial Magistrate has caused notice to L.W.1 to L.W.3 for examination on 27.03.2020.

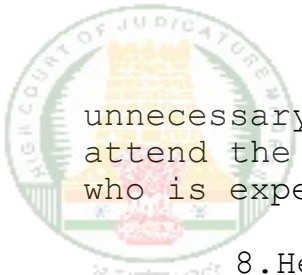
WEB COPY

4.The present transfer petition is filed on the ground that the petitioner, who is the wife of the second respondent, has initiated five cases against the second respondent and his family members in Coimbatore and she being the resident of Coimbatore, it is convenient to her to conduct the criminal case initiated at her instance at Pudukkottai, to be transferred to Coimbatore. The petitioner has also stated that she is very apprehensive to attend Court, Pudukkottai that there is life threat to her at the hands of her husband's family members, if they appear before the Pudukkottai Court to give evidence. Stating that list of witness are residing at Coimbatore, it is convenient to them to depose rather than Pudukkottai.

5.The respondents 2 to 6 are the petitioner's husband and mother-in-law and sister-in-law respectively. Alleging that they had joined together and harassed her and hence, a complaint has been given by the petitioner to the All Women Police Station, Pudukkottai. The respondents 4, 5 and 6 are sisters-in-law of the petitioner, who are living separately with their family at Adhiramapattinam. The third respondent, who is mother-in-law, is reported to be dead on 17.03.2014 and copy of the death certificate also enclosed. The petitioner herein has filed domestic violence case against her husband and in-laws, which is pending on the file of the learned Judicial Magistrate No.6, Coimbatore. She has also filed a suit in O.S.No.2043 of 2015 pending on the file of the Principle District Munsif, Coimbatore. Because of trespassing into the house of the petitioner, a case has been registered in crime No.484 of 2016 by Sulur Police Station, at the instance of this petitioner. Divorce petition is also filed by her in H.M.O.P.No.1646 of 2016.

6.A complaint reveals that the petitioner and the second respondent, after marriage has lived in Pune and on the return to Tamil Nadu, dispute between them has crept and the petitioner has gone to the Coimbatore and living in her parental home whereas the second respondent is staying at Adhiramapattinam. The proceedings initiated by the petitioner in the Courts at Coimbatore clearly indicates that she is well advised and well protected, both financially and manpower to conduct her case.

7.The plight of the accused and the witnesses are also to be taken note when the matter is transferred to a Court outside the territorial jurisdiction. For the convenience of the petitioner/defacto complainant alone, a criminal case cannot be



unnecessary hardship to the accused persons who are supposed to attend the Court on all hearing dates unlike the defacto complainant who is expected to be present only on summon to give evidence.

8.Hence, petition for transfer is dismissed. The Judicial Magistrate, Pattukottai, Thanjavur District is directed to expedite the trial and complete the same, preferably, 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 (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District.
2. The Judicial Magistrate,
Pattukottai, Thanjavur District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-11177[F] dated 11/03/2020)

+1 CC to M/s.C.MUTHUSARAVANAN, Advocate (SR-10859[F] dated 10/03/2020)

Crl.O.P.(MD)No.11858 of 2016
09.03.2020

MK (13.05.2020) 3P 5C