



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.20592 of 2016

and

Crl.M.P.(MD)Nos.10470 and 10471 of 2016

WEB COPY

1.Amjath Khan
2.Shake Mohaideen
3.Pai Roja

...Petitioners

Vs.

J.S.Rizwana Parveen

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to withdraw the case in M.C.No.18 of 2015 on the file of the Judicial Magistrate Court No.II, Thanjavur and to transfer the same to the Judicial Magistrate No.I, Sivagangai for disposal of the same on merits in accordance with law.

For Petitioners : Mr.K.Neelamegam
For Respondent : Mr.S.Venkatesan

O R D E R

This Criminal Original Petition has been filed to transfer the case in M.C.No.18 of 2015 from the file of the Judicial Magistrate Court No.II, Thanjavur to the Judicial Magistrate Court No.I, Sivagangai.

2. The learned counsel for the petitioners submitted that the first petitioner got married the respondent herein on 09.02.2014 and due to matrimonial dispute between them she left her matrimonial home and stays with her parents and on several occasions, the first petitioner tried to get reunion with the respondent, the respondent is not willing to live with the petitioner. He further submitted that, while being so, the respondent has filed a petition under Domestic Violence Act in in M.C.No.18 of 2015 before the Judicial Magistrate Court No.II, Thanjavur and the same is pending for trial and on 31.07.2016, the respondent herein along with her relatives attacked the petitioners and as such the first and second petitioners have sustained grievous injuries and they were admitted in hospital and treated as inpatient in Government Hospital, Sivagangai. In this regard, a complaint was lodged and same was registered in Crime No.544 of 2016 and therefore, the petitioners are having life threat at the hands of the respondent herein, the petitioners have sought transfer the case from the file of the Judicial Magistrate Court No.II, Thanjavur to the file of the Judicial Magistrate Court No.I, Sivagangai.



3. It is seen from the records that the first petitioner and the respondent are husband and wife. They got married on 09.02.2014, thereafter, the respondent left her matrimonial home and residing with her parental home. In the meanwhile, she has filed a petition in M.C.No.18 of 2015 before the Judicial Magistrate Court No.II, Thanjavur . Though, the petitioners were attacked by the respondent in Thanjavur, while they were appeared before the trial Court and they were admitted in Government Hospital, Sivagangai. The respondent being wife, she has filed a complaint within the jurisdiction of her residence.

4. In these circumstances, transfer of case would prejudice cause to the respondent. Therefore, this Court is not inclined to transfer the case. The personal appearance of the petitioner Nos.2 & 3 are dispensed with and they shall be represented by a counsel. However, the petitioner Nos.2 & 3 shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. The trial Court is directed to complete the trial in M.C. No.18 of 2015, within a period of six months from the date of receipt of copy of the order.

5. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1)The Judicial Magistrate Court No.II, Thanjavur.
- 2)The Judicial Magistrate No.I, Sivagangai.

+1 CC to Mr.K. NEELAMEGAM, Advocate (SR-19677[F] dated 12/10/2020)

CrI.O.P.(MD)No.20592 of 2016
09.10.2020

VB (05.11.2020) 2P 4C