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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.5738 of 2019

and

Crl.M.P.No.3243 of 2019

M.Elumalai

...Petitioner

Vs.

Saraladevi

...Respondent

PRAYER: Criminal Original Petition filed under Section 407 r/w 482 of the Cr.P.C to withdraw the transfer the proceedings in M.C.No.8 of 2014 from the Judicial Magistrate at Tirukovilur to the Hon'ble Judicial Magistrate at Tiruvannamalai, Tiruvannamalai District.

For Petitioner : Ms.P.Vasanthi

O R D E R

The case of the petitioner is that the petitioner is the husband of the respondent and he is a permanent resident of Tiruvannamalai District. He married the respondent herein as per Hindu rites and customs and the marriage was solemnized on 07.06.2001. After marriage they lived as husband and wife for hardly one month and thereafter there was no compatibility between them, due to which they got separated. The several requests of the petitioner herein to the respondent to join his company went in vain. Hence the petitioner herein had filed a Divorce Petition before the Sub-Court, Thiruvannamalai in O.P.No.127/2014 and the same was allowed vide exparte order dated 05.03.2016.

2. The petitioner is working as Noon Meal Organiser and earning a salary of Rs.10,000/-. In order to harass the petitioner, the respondent herein filed a Maintenance Petition in M.C.No.8 of 2014, in which the petitioner has filed a detailed counter affidavit, thereby contesting the same. Such being the position, when the said case came up for hearing before the Judicial Magistrate, the respondent came to the Court along with 7 rowdy elements and tried to attack the petitioner, however he escaped from the scene of occurrence. The petitioner in this regard has also made a complaint dated 31.12.2018, to the Judicial Magistrate Tirukoilur, and the Inspector of Police,



Tirukovilur Police Station, Villupuram District, seeking protection. In view of the threat from the respondent and rowdy elements, the petitioner has filed the present petition to transfer the case in M.C.No.8 of 2014 on the file of the Judicial Magistrate, Thiruvannamalai.

3. The learned counsel appearing for the petitioner submitted that due to life threat, if sufficient protection is given to the petitioner, he may be able to appear before the Trial Court and contest the matter pending before it.

4. Taking into consideration the facts and circumstances of the case, this Court directs the petitioner to file afresh appropriate petition before the concerned police station and the concerned police officer shall look into the matter and provide sufficient police protection, if necessary on the basis of materials to the petitioner.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the petitioner to file an appropriate petition before the Inspector of Police, Thirukovilur and the concerned Police, after considering the representation of the petitioner, feels necessary, upon investigation shall provide adequate protection to ensure the safety of the petitioner to appear before the Trial Court to contest the case. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sk

To

1. The Judicial Magistrate,
Thirukovilur.
2. The Judicial Magistrate,
Thiruvannamalai.
3. The Public Prosecutor,
High Court, Madras.



Copy to:

The Inspector of Police
Tirukovilur.

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+1 CC to M/s.P.Vasanth, Advocate, Sr.No. 36756.

[06/05/2022]

Cr1.O.P.No.5738 of 2019
and
Cr1.M.P.No.3243 of 2019

RSV (CO)
LS (15/09/2021)