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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8938 of 2021
and Crl.M.P. Nos.5819 of 2021 & 5820 of 2021

1.S.Manivannan
2.S.Muthulakshmi
3.R.Kousalya
4.S.Amutha
5.R.Kaveri @ Vidhya

... Petitioners

Vs.

M.Suganya

... Respondent

PRAYER: Criminal Original petition has been filed under Section 482 of Cr.P.C, praying to withdraw D.V.A. No.7 of 2021 on the file of Judicial Magistrate at Coimbatore and transfer the same to the Judicial Magistrate at Mettupalayam.

For Petitioners: Mr. K.Myilsamy

For Respondent : No appearance

ORDER

This petition is filed to withdraw D.V.A. No.7 of 2021 on the file of Judicial Magistrate at Coimbatore and transfer the same to the Judicial Magistrate at Mettupalayam.

2. The first petitioner is the husband of the respondent wife and the other petitioners are his mother and sisters. Due to matrimonial dispute, the petitioner husband filed a petition for restitution of conjugal rights against the respondent in H.M.O.P. No.17 of 2021 on the file of Sub-Judge, Gudalur. The respondent had filed a maintenance petition in M.C. No.122 of 2020 on the file of Additional Family Court, Coimbatore and also filed a domestic violence petition in D.V.A. No.7 of 2021 on the file of Judicial Magistrate Court, Coimbatore. Due to difficulty in travelling from Mettupalayam to Coimbatore, the petitioners have filed the present petition seeking transfer of case.

3. Learned counsel for the petitioners states that distance between Mettupalayam and Coimbatore is nearly 200 Kms and hence



the petitioners are unable to travel such a distance for each hearing. Hence, they seek transfer of case from Judicial Magistrate, Coimbatore to the Judicial Magistrate at Mettupalayam.

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4. This Court perused the materials placed before this Court. This Court cannot accept the submission of the learned counsel for the petitioner that the distance between Coimbatore and Mettupalayam is 200 Kms. In fact, the distance between Coimbatore and Mettupalayam will not exceed 35 Kms and one can reach the said place within half an hour by any road transport. Hence, the petition to transfer the case on the ground of distance has no leg to stand.

5. Accordingly, this criminal original petition is dismissed.

6. As far as Crl.M.P.No.5820 of 2021 is concerned, since the complaint is under domestic violence, the presence of the petitioners before the Judicial Magistrate, Coimbatore, is dispensed with. However, they shall appear before the trial Court as and when so ordered by the trial Court for any effective hearing. Consequently connected miscellaneous petition filed for stay in Crl.M.P.No.5819 of 2021 is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate,
Coimbatore.

Crl.O.P.No.8938 of 2021
and Crl.M.P. Nos.5819 of 2021 & 5820 of 2021

RLD(CO)
CB(14/07/2021)