

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.01.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.22823 of 2018
and
Crl.MP.No.12714 of 2018

1.K.Nageswara Babu
2.K.Kanakaraju
3.K.Ambika

...Petitioners/Respodents

.Vs

K.Nandhini

...Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the case in DVC No.7 of 2017, pending on the file of the Judicial Magistrate, Tiruchengode on the point of jurisdiction to any one of the Magistrates in Coimbatore.

For Petitioners : Mr.A.Thiyagarajan

For Respondent : Mr.E.C.Ramesh

ORDER

This Criminal Original Original Petition has been filed for transfer of the proceedings in DVC No.7 of 2017, pending on the file of the Judicial Magistrate, Thiruchengode, to any of the Court in Coimbatore.

2.The respondent has initiated proceedings under the Domestic Violence Act, against the petitioners before the Judicial Magistrate Court, Thiruchengode. The learned counsel for the petitioners submitted that the respondent is now residing in Coimbatore and she is also working in Coimbatore. The learned counsel further submitted that the divorce proceedings initiated by the respondent at Thiruchengode was subsequently transferred to the file of the Principal Family Court, Coimbatore and the same has been taken on file in HMOP No.192/2018. The learned counsel therefore submitted that the Domestic Violence Proceedings can also be transferred to the Principal Family Court, Coimbatore and the parties can agitate their grievance in the same place.

3.Heard Mr.A.Thiyagarajan, learned counsel for the petitioners and Mr.E.C.Ramesh, learned counsel for respondent.

4.In the considered view of this Court, the respondent is now living in Coimbatore and the divorce proceedings initiated by her is also pending before the Principal Family Court, Coimbatore and it will be more appropriate to transfer the Domestic Violence proceedings also to Coimbatore so that the parties can agitate the case at Coimbatore. No prejudice will be caused to the respondent, if the proceedings are transferred to Coimbatore and infact it will be more easier for the respondent to prosecute the case at Coimbatore.

5.In view of the above, the proceedings in DVC No.7 of 2017, which was originally pending on the file of the Judicial Magistrate, Thiruchngode and was subsequently transferred to the file of Judicial Magistrate, Kumarapalayam, is hereby withdrawn and transferred to the file of the Principal Family Court, Coimbatore. The learned Judicial Magistrate, Kumarapalayam, shall immediately transfer the entire case records` to the Principal Family Court, Coimbatore. The Principal Family Court, Coimbatore, immediately on receipt of the records shall assign a number to the case and shall proceed further strictly in accordance with law.

This Criminal Original Petition is disposed of with the above directions. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate , Tiruchengode.

2.The Judicial Magistrate, Kumarapalayam.

3.The Judge, Principal Family Court,
Coimbatore.

+1cc to Mr.A.Thiyagarajan, Advocate SR.NO.3219

AKM/17.02.21/2P-5C/

Cr1.OP No.22823 of 2018
20.01.2021