



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN, J.**

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CrI.O.P.(MD)No.4329 of 2021 and
CrI.M.P(MD)No.2433 of 2021

A.Thatchar

... Petitioner

Vs.

Edwin Jeyakumar

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., with a prayer to transfer pending trial in M.C.No.25 of 2020, on the file of the learned Judicial Magistrate, Manapparai to some other equal and competent Court at Thanjavur.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.D.S.Haroon Rasheed

O R D E R

This petition has been filed to transfer M.C.No.25 of 2020, on the file of the learned Judicial Magistrate, Manapparai to some other competent Court at Thanjavur.

2. The case of the petitioner is that she filed M.C.No.25 of 2020 before the learned Judicial Magistrate, Manapparai against her husband, who is the respondent herein. She has also filed a petition in D.V.O.P.No.1 of 2021 before the same Court, which is still pending. On 22.02.2021, when she went to Trichy along with her age old parents, to attend the enquiry before the Social Welfare Officer, Trichy, her husband threatened her and also assaulted. Further, he declared that he will not spare her and will not allow her to conduct the enquiry. Hence, she lodged a complaint before the Sessions Court Police Station, Trichy City. If the case is conducted at Judicial Magistrate Court, Manapparai, she will face threat at the hands of her husband. Therefore, she seeks transfer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The learned counsel for the petitioner would submit that the case may be transferred to either Thanjavur or some other place that may be decided by this Court.

5. The learned counsel appearing for the respondent would submit that the case may be transferred to either Thanjavur or some other place that may be decided by this Court. Similarly, a criminal case registered on the basis of the complaint given by the petitioner



is also pending before the Manapparai Police Station. So, according to him, absolutely there is no bonafideness or genuineness in this petition. However, he would submit that the Court may decide the place of enquiry in between Thanjavur and Manapparai.

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6. In any event, it is a settled position that the convenient of the wife must be taken into account for deciding the place of trial in case of matrimonial disputes. Hence, without going into merits of the case, the case in M.C.No.25 of 2020 is withdrawn from the file of the learned Judicial Magistrate, Manaparai and transferred to Judicial Magistrate Court No.I, Thanjavur, to be disposed of in accordance with law. The learned Judicial Magistrate, Manaparai is directed to transfer the papers to the Judicial Magistrate Court No.I, Thanjavur forthwith. The transferee Court shall send Notice to both parties for appearance.

7. With the above direction, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vrn

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, Manaparai.

2. The Judicial Magistrate Court No.I, Thanjavur.

Crl.O.P. (MD) No. 4329 of 2021 and
Crl.M.P (MD) No. 2433 of 2021

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