



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P. (MD) No.6196 of 2021

and

CrI.M.P. (MD) Nos.3558 and 3559 of 2021

WEB COPY

1.Philipraj

2.Baby Lalitha

3.Shoba Rooth Boy

... Petitioners/Respondents

Vs.

1.Sheebarani

2.Minor.Baby Jaquelin Curi

... Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the case in D.V.C.No.15 of 2018 on the file of the Judicial Magistrate No.1, Kuzhithurai and transfer the same to the file of the Judicial Magistrate No.1, Dindigul.

For Petitioners : Mr.K.Arunraj

For Respondents : Mr.R.Iyappan

ORDER

This Criminal Original Petition is filed seeking to transfer the case in D.V.C.No.15 of 2018 from the file of the learned Judicial Magistrate No.1, Kuzhithurai to the file of the learned Judicial Magistrate No.1, Dindigul.

2.The case of the petitioners is that the 1st respondent is the complainant in the aforesaid DVC petition, which is pending before the learned Judicial Magistrate No.1, Kuzhithurai. The main grievance, on which this petition is filed, is that the brother of the 1st respondent is a practicing Advocate in Kanyakumari Bar Association and when the 1st petitioner appeared before the trial Court at Kuzhithurai, he was assaulted by the brother of the 1st respondent. So, the 1st petitioner gave a complaint before the



Kaliyakkavilai Police, which was registered in CSR.No.40 of 2019. A copy of the discharge summary was also enclosed in the typed set of papers. So, the appearance of the petitioners before the trial Court at Kuzhithurai will be danger to their life. Only on that ground, the petitioners seek transfer.

3.It appears that without any proper reason, the daughter-in-law impleaded the petitioners 2 and 3 in this case. They are not in a position to travel from Dindigul to Kuzhithurai to attend the trial proceeding. So, on that ground, the petitioners seek dispensing with the personal appearance of the petitioners 2 and 3. It appears further that the occurrence took place as alleged by the petitioners on the particular date, but there is no life threat in attending the Court.

4.At this juncture, the learned counsel for the petitioners submitted that the case can be transferred to Madurai, which is midway between Dindigul and Kanyakumari.

5.Further, it appears that DVC petition was filed by the wife. The respondents cannot travel from Kuzhithurai to Madurai to proceed with the enquiry. As per the recent order of this Court, the DVC petitions must be completed within a period of 3 months. On that basis, the trial has to be expedited. So, I am of the considered opinion that the matter can be transferred to the file of the learned Judicial Magistrate No.1, Valliyoor for trial. Regarding the request of dispensing with the personal appearance of the petitioners, the same can be raised before the transferee Court on proper petition. This Court cannot consider the said request at this juncture.

6.This Criminal Original Petition stands allowed with this direction. D.V.C.No.15 of 2018 is withdrawn from the file of the learned Judicial Magistrate No.1, Kuzhithurai and transferred to the file of the learned Judicial Magistrate No.1, Valliyoor. The learned Judicial Magistrate No.1, Kuzhithurai is directed to transfer the entire records in D.V.C.No.15 of 2018 to the file of the learned Judicial Magistrate No.1, Valliyoor. On receipt of the records from the transferror Court, the transferee Court shall send notice to the parties for appearance by fixing a particular date. The compliance report may be submitted before this Court after process is over both by the transferror Court and transferee Court. Consequently, connected miscellaneous petitions are closed.

Sd/-

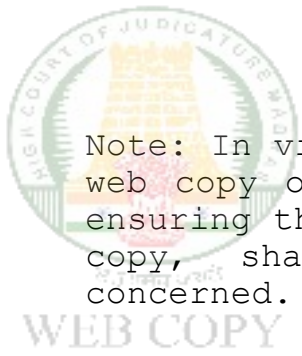
Assistant Registrar (CS II)

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/ /2021

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 No.1,
Kuzhithurai.

2.The Judicial Magistrate No.1,
valliyoar.

Copy to

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(To Watch Compliance Report)

Crl.O.P. (MD)No.6196 of 2021
03.08.2021

MGJ(11.08.2021) 3P 4C