



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P. (MD) No.13164 of 2021

and Crl.M.P. (MD) .Nos.6766 & 6768 of 2021

1.Kannan
2.V.Saraswathi Ammal
3.Vijalakshmi
4.Pandiyarajan
5.Rajeshwari

... Petitioners

Vs.

Umamaheshwari

... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of Cr.P.C, to withdraw the D.V.O.P.No.1 of 2016, on the file of the JM Court, No.IV, Tirunelveli, Tirunelveli District and transfer the same to any one of the JM Court, Situated in the nearby districts of Thoothukudi or Virudhunagar.

For Petitioners : Mr.R.Murugappan

ORDER

This petition is filed seeking transfer of D.V.O.P.No.1 of 2016 from the file of the learned Judicial Magistrate No.IV, Tirunelveli to any other competent Court nearby District.

2.This petition has been filed seeking transfer of DVOP.No.1 of 2016. It has been settled by this Court in a batch of Criminal original petitions in Dr.Paranthaman's case, that petition under Section 482 Cr.P.C. is not maintainable for quashment of cases under DV Act. However, the learned counsel for the petitioner submits that only with regard to quashment of the case under DV Act, 482 Cr.P.C. may not lie, but regarding the transfer of cases, under Section 407 Cr.P.C. still petitions can be filed. But this cannot be taken into account now. Because of a clear direction has been issued to all the Courts, which are deal with DV Act matters, they shall conclude the proceedings within a period of three months. It is the matter of the year 2016. Hence, the trial Court ought to have complete the proceedings as early as possible. Therefore, the question of transfer may not arise at this stage.

3.With the above observations, this criminal original petition



is liable to be dismissed.

4.At this stage, the learned counsel for the petitioner submitted that the second respondent is aged about 72 years. Hence, her personal appearance before the trial Court requested to be dispensed with. Considering the age of the second petitioner, her personal appearance is dispensed with before the trial Court with following conditions.

(i)The second petitioner shall appear before the trial Court namely the Judicial Magistrate Court, No.IV, Tirunelveli, within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by affixing her recent passport size photograph, to the effect that she would appear before the trial Court as and when required by them and must ensure her representation through proper Advocate.

5.This criminal original petition is dismissed with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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.IV, Tirunelveli.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.13164 of 2021
22.09.2021

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