



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.17449 of 2019

and

Crl.MP(MD)No.10290 of 2019

WEB COPY

1.S.Saravanan
2.S.Mariyammal
3.G.Shanmugamoorthy
4.S.Maheswari
5.S.Prakash

... Petitioners/Petitioners

vs.

1.Minor Mahishasri
2.P.Divya

... Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C., to withdraw the case on the file of the Judicial Magistrate No.III, Thiruppur in DVOP.No.12 of 2019 and transfer the same to the learned Judicial Magistrate Court, Ramanathapuram.

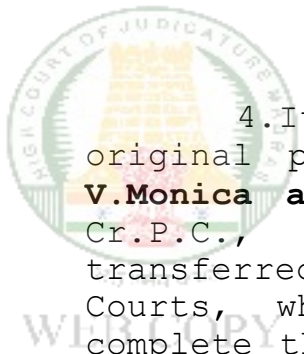
For Petitioners : No Appearance

ORDER

This criminal original petition has been filed to withdraw the case on the file of the Judicial Magistrate No.III, Thiruppur in DVOP.No.12 of 2019 and transfer the same to the learned Judicial Magistrate Court, Ramanathapuram.

2.The first petitioner is the husband of the second respondent and the first respondent is the daughter of the first petitioner. The marriage between the first petitioner and the second respondent was solemnized on 20.05.2013 in accordance with Hindu rites and customs. After marriage, the first petitioner went to abroad for employment purpose. Thereafter, the other petitioners harassed the second respondent. Therefore, she filed DVOP.No.12 of 2019 before the learned Judicial Magistrate No.III, Thiruppur.

3.It is the case of the petitioners that the marriage was solemnized at Ramanathapuram and they lived in there till the separation. Therefore, cause of action arose only within the jurisdiction of Ramanathapuram Court. However, the second respondent in order to harass the petitioners, filed the domestic violence case at Thiruppur. Hence, the petitioners filed the present petition seeking the above said relief.



4.It has been settled by this Court in a batch of Criminal original petitions reported in **Dr.P.Pathmanathan and Others Vs. V.Monica and Another (2021) 1 MLJ 311**, that under Section 482 Cr.P.C., the cases under Domestic Violence Act cannot be transferred and also a clear direction has been issued to all the Courts, which are dealing with Domestic Violence Case, must complete the process within three months. It is the matter of the year 2019. Hence, the Trial Court ought to have complied the above said order.

5.Even though the matter has been referred to a Larger Bench, I am of the considered view that since already direction has been issued to complete the proceedings, within a period of three months from the date of filing of the case, separate direction cannot be issued by this Court. However, on the basis of the outcome of the proceedings in the Larger Bench, the petitioners can workout their remedy in the manner known to law.

6.With the above direction and liberty, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

gns

To

The Judicial Magistrate No.III,
Tiruppur.

Crl.OP(MD)No.17449 of 2019
29.11.2021

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