



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE THIRU JUSTICE G.CHANDRASEKHARAN

CRL.O.P.NO.24485 OF 2016

AND

CRL.M.P.NO.11723 OF 2016

1.Arulprabhakar
2.Balaji

... Petitioners

vs

Kamsala Ammal @ Banumathi

... Respondent

Criminal Original Petition filed under Section 407 of Cr.P.C to withdraw M.C.No.78 of 2015 pending on the file of Principal Family Court, Chennai and transfer the same to the Judicial Magistrate Court No.I, Chidambaram for enquiry and disposal.

For Petitioners : Mr.P.Mani

For Respondent : Ms.G.Vrindha Ramesh

O R D E R

This petition is filed to withdraw M.C.No.78 of 2015 pending on the file of Principal Family Court, Chennai and transfer the same to the Judicial Magistrate Court No.I, Chidambaram for enquiry and disposal in accordance with law.

2. This petition is pending from 2016. Learned counsel for the petitioner is present and regularly appearing before this Court. There was no representation for the respondent and Ms.Vrindha Rameash, Legal Aid counsel was appointed to represent the respondent. It is submitted by the learned legal aid counsel that she is not able to contact the respondent.

3. Learned counsel for the petitioners submits that the respondent is presently residing in Chidambaram. In support of



his submission, he produced counter affidavit, filed by the respondent in C.M.P.No.1742 of 2016 in S.A.No.59 of 2016, wherein, the address of the respondent is given as No.119, 71, East Car Street, Chidambaram - 608 001, Cuddalore District.

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4. It is evident from the counter affidavit that the respondent was residing in the aforesaid address at the time of filing counter in in C.M.P.No.1742 of 2016 in S.A.No.59 of 2016. Therefore, this Court is of the view that transferring of M.C.No.78 of 2015, pending on the file of Principal Family Court, Chennai to Judicial Magistrate Court No.I, Chidambaram would no way prejudice the interest of the respondent.

5. In such view of the matter, this Criminal Original Petition is allowed. M.C.No.78 of 2015, pending on the file of Principal Family Court, Chennai is withdrawn and the same is transferred to the file of Judicial Magistrate No.I, Chidambaram.

6. The Principal Family Judge, Chennai is directed to send the entire records relating to M.C.No.78 of 2015 to the file of Judicial Magistrate No.I, Chidambaram forthwith.

7. Learned Judicial Magistrate No.I, Chidambaram is directed to take the matter on file and once it is received, send notice to the respondent and proceed to dispose the case on merits and in accordance with law at the earliest.

8. With the above direction, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Principal Family Judge, Chennai.
2. The Judicial Magistrate No.I, Chidambaram.

Crl.O.P.No.24485 of 2016

PMK (CO)
RLP (28/03/2022)