



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.06.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.14946 of 2020
and
Crl.M.P.No.5689 of 2020

1. Thirupugazhvasan,
S/o.Balaraman.
2. Santha @ Athilakshmi,
W/o.Balaraman.
3. Balaraman,
S/o.Srinivasan.
4. Tholkapiyan,
S/o.Balaraman.
5. Rajalakshmi,
W/o.Tholkapiyan.
6. Thirumagal,
W/o.Venkatesan.

.. Petitioners

Vs.

Jayaveni,
W/o.Thirupugazhvasan.

.. Respondent

Prayer : The Petition is filed under Section 407 of the Code of Criminal Procedure, to withdraw the DVC.No.100 of 2019 pending on the file of Chief Judicial Magistrate, Puducherry and transfer the same to the file of any competent Court Villupuram or Cuddalore.

For Petitioner : Mr.V.V.Sairam

For Respondent : Mr.P.Prince Premkumar

ORDER

The petition has been filed with a prayer to withdraw the DVC.No.100 of 2019 pending on the file of the learned Chief Judicial Magistrate, Puducherry and transfer the same to the file of any competent Court at Villupuram or Cuddalore.

2. The petitioner, is the respondent herein, in
<https://hcservices.ecourts.gov.in/hcservices/>
D.V.C.No.100 of 2019 pending on the file of the learned Chief



Judicial Magistrate, Puducherry. The learned counsel for the petitioners would submit that the petitioners are aged persons and it is very difficult for them to attend the Trial proceedings before the Trial Court. He further submitted that in the year 2019, the first petitioner filed a Divorce petition in H.M.O.P.No.121 of 2019 and it is pending on the file of the Family Court, Villupuram. The present DVC.No.100 of 2019 is a counter blast filed by the respondent.

3. The Divorce petition is pending on the file of the Family Court, Villupuram. It seem that the trial is also pending for the present DVC No.100 of 2019 before the Chief Judicial Magistrate, Puducherry. The petitioners 1 to 5 are residing at Valavanur, Vilupuram. It is hardly only 13 kms distance between Puducherry and Valavanur. In fact, 6th petitioner is residing at Puducherry itself.

4. Therefore, this Court finds no ground to transfer DVC.No.100 of 2019 from the file of learned Chief Judicial Magistrate, Puducherry and this petition is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. The connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsa

TO,

The Chief Judicial Magistrate, Puducherry.

Cr1.O.P.No.14946 of 2020

and

Cr1.M.P.No.5689 of 2020

ad(CO)

A.SK(01/07/2022)