



Crl.OP.No.23867 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.23867 of 2022

M.Raja

... Petitioner

Vs.

1. Easwari

2. Mallika

3. Esvaramurthi

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleased to withdraw the petition filed by the respondent in DVA No.4 of 2016 on
the file of District Munsif cum Judicial Magistrate, Perundurai and transfer the
same to Judicial Magistrate, Chengalpattu.

For Petitioner

: M/s.N.Premalatha

ORDER

This Criminal Original Petition has been filed to withdraw the petition filed
by the respondent in DVA No.4 of 2016 on the file of District Munsif cum
Judicial Magistrate, Perundurai and transfer the same to Judicial Magistrate,
Chengalpattu.



Crl.OP.No.23867 of 2022

2.The learned counsel for the petitioner would submit that the petitioner is the husband of the 1st respondent. Since the 1st respondent left her matrimonial home, the petitioner had filed a petition for divorce in HMOP.No.5 of 2016 before the learned Sub Judge, Perundurai and the same was allowed on 05.12.2016. Thereafter, the 1st respondent had filed an application under Section 125 of Cr.P.C in M.C.No.11 of 2016 and under Sections 12(1), 19(8), 20(b), 20(3) and 22 of DV Act in DVA No.4 of 2016 on the file of learned District Munsif cum Judicial Magistrate, Perundurai. While being so, the petitioner met with an accident for which he sustained injuries on his leg and he is unable to move without the help of others. He would further submit that the case has been adjourned for several days since the petitioner is unable to attend the Court. Hence, he seeks direction to transfer the case from Perundurai to Chengalpattu.

3. Heard the learned counsel for the petitioner and perused the materials available on record.



Crl.OP.No.23867 of 2022

4. On perusal of the records, this Court is of the view that the 1st respondent is a wife of the petitioner and she had filed a petition in DVA No.4 of 2016 for offence under Sections 12(1), 19(8), 20(b), 20(3) and 22 of DV Act which is pending before the learned District Munsif cum Judicial Magistrate, Perundurai. Further, the reason stated in the affidavit filed by the petitioner is not sufficient to transfer the case from the learned District Munsif cum Judicial Magistrate, Perundurai to learned Judicial Magistrate, Chengalpattu. Hence, this Court does not find any merits in this petition.

5. Accordingly, this Criminal Original Petition is dismissed.

30.09.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
nr

V.SIVAGNANAM,J.



WEB COPY



Crl.OP.No.23867 of 2022

nr

Crl.O.P.No.23867 of 2022

30.09.2022