



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.13488 of 2020

G.M.Lavanya

... Petitioner/Defacto Complainant

Vs.

1.The State represented by,
The Inspector of Police,
All Women Police Station,
Sivakasi, Viruthunagar District.
(Crime No.6 of 2018).

... 1st Respondent/Complainant

2.H.Rajamurugan
3.Hari ram
4.Vijaya
5.Mahalakshmi

... Respondents 2 to 5/Accused Nos.1 to 4

Prayer: Criminal Original Petition filed under Section 407 r/w 482 Cr.P.C., to withdraw C.C.No.112 of 2019 on the file of the learned Judicial Magistrate Court I, Sivakasi and transfer the same to any other competent Court at Madurai.

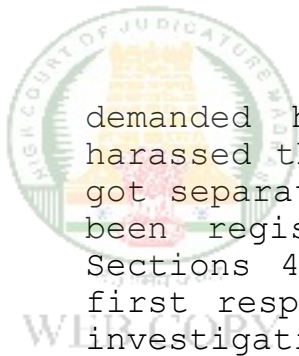
For Petitioner : Mr.K.Muthu Ganesa Pandian
For R - 1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

For RR 3 to 5 : Mr.K.Veilmuthu

ORDER

This Criminal Original Petition has been filed to withdraw the case in C.C.No.112 of 2019 from the file of the learned Judicial Magistrate Court I, Sivakasi and transfer the same to any other competent Court at Madurai.

2.The petitioner is the wife. She got married with the second respondent on 19.10.2018. During the marriage, on demand, the petitioner's parents presented 30 sovereign gold jewels, 2 kgs of silver ornaments and 2 lakhs worthable household articles. Even at the time of marriage, the second respondent and his family members



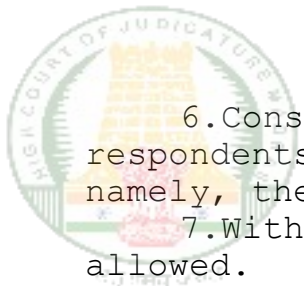
demanded huge dowry. Even after marriage, they threatened and harassed the petitioner by demanding huge dowry and therefore, they got separated and the petitioner lodged a complaint and the same has been registered in Crime No.6 of 2018 for the offences under Sections 498(A), 323, 406 and 506(i) of I.P.C on the file of the first respondent herein. The first respondent, after completion of investigation, filed a final report and the same has been taken cognizance in C.C.No.112 of 2019 on the file of the learned Judicial Magistrate No.I, Sivakasi and it is pending for trial.

3.While pending trial, the second respondent threatened the petitioner not to pursue the trial and harassed her. That apart, he had raised scandalous, obscene and false information through social media in fake I.D, as if the petitioner is doing prostitution and doing such a business with the help of her mother. Therefore, the petitioner lodged a complaint before the Inspector of Police, Solavandhan Police Station, Madurai District and the same has been registered in Crime No.884 of 2020 for the offences under Section 203 of I.P.C and Section 67(A) of Information Technology Act, 2000 and the same has been altered into Sections 203, 469 and 509 of I.P.C and Section 67(A) of Information Technology Act and the investigation is pending. Now, the trial in C.C.No.112 of 2019 is pending on the file of the learned Judicial Magistrate No.I, Sivakasi and further all the witnesses are from Madurai.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the respondents 3 to 5.

4.In view of the above, this Court is of the view that the trial in C.C.No.112 of 2019 to be transferred to any one of the learned Magistrate at Madurai. Accordingly, the case in C.C.No.112 of 2019 is hereby withdrawn from the file of the learned Judicial Magistrate No.I, Sivakasi and transferred to the file of the learned Judicial Magistrate No.I, Madurai. On receipt of the entire bundle, the learned Judicial Magistrate No.I, Madurai, is directed to complete the trial within a period of six months from the date of receipt of the entire case bundle.

5.The learned counsel appearing for the petitioner would submit that there are totally four accused, in which, the fourth petitioner, who is the mother-in-law of the petitioner herein, already died, the third respondent is the father-in-law of the petitioner, aged about more than 75 years and the fifth petitioner is the sister of the second respondent and she got married and living with her husband in another place and prayed for dispensed with the personal appearance of the accused.



6.Considering the above, the personal appearance of the respondents 3 and 5 alone is dispensed with before the trial Court, namely, the learned Judicial Magistrate No.1, Madurai.

7.With the above directions, this Criminal Original Petition is allowed.

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Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Court I,
Sivakasi.
- 2.The Judicial Magistrate No.1,
Madurai.
- 3.The Inspector of Police,
All Women Police Station,
Sivakasi,
Viruthunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.VEILMUTHU, Advocate (SR-8896[F] dated 25/02/2022)

+1 CC to M/s.K.MUTHU GANESA PANDIAN, Advocate (SR-8987[F] dated 28/02/2022)



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Order made in
Crl.O.P (MD) No.13488 of 2020
25-02-2022

VK(12/03/2022) 4P 7C