



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.13496 of 2020

in

Crl.M.P(MD)No. 6191 of 2020

WEB COPY

- 1.Tajdeen
- 2.Sharmila Banu
- 3.Fathima Beevi
- 4.Pathurdeen

...Petitioners/Respondents

Vs.

1. Nitharaparveen

2. Minor.Hanufa

(Minor represented through her mother
and natural guardian the 1st respondent herein)

...Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 407 Cr.P.C. praying to withdraw the case in D.V.M.C.No.10 of 2018 from the file of the Judicial Magistrate Court, Palani and transfer the same to the file of the Judicial Magistrate Court No.II, Pollachi.

For Petitioners : Mr.D.Venkatesh

For Respondents : M/s.C.Meenakshi Rama Prabha

ORDER

This petition has been filed seeking direction to withdraw the case in D.V.M.C.No.10 of 2018 from the file of the Judicial Magistrate Court, Palani and transfer the same to the file of the Judicial Magistrate Court No.II, Pollachi.

2.The petitioners are respondents in the complaint lodged by the respondents herein in DVMC No.10 of 2018. While pending the complaint, the respondent filed application for interim maintenance in Cr.M.P.No. 3428 of 2018 and it was ordered. Aggrieved by the same, the first petitioner filed an appeal before the appellate Court and the appellate Court has imposed a condition to deposit 50% of the arrears amount. Even then the first respondent did not pay the said amount and the appeal filed him came to be dismissed. Therefore the petitioner filed this petition for transfer of complaint from the file of the learned Judicial Magistrate, Palani to the file of the learned Judicial Magistrate No.II, Pollachi on



the ground that the respondents are living at Pollachi. Even till today, the first respondent did not pay a single penny to the petitioners as ordered in Cr.M.P.No.3428 of 2018.

3. The learned counsel for the respondents would submit that the matter is posted for examination of PW.1

4. This Court absolutely finds no reason for transfer of complaint from the file of the learned Judicial Magistrate, Palani to the file of the learned Judicial Magistrate No.II, Pollachi.

5. In the result, this Criminal Original Petition is dismissed as devoid of merits. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Palani.

2. The Judicial Magistrate,
Judicial Magistrate Court No.II, Pollachi.

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