



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5007 of 2021

And

Crl.M.P.Nos. 3191 & 3192 of 2021

And

Crl.M.P.No. 10495 of 2022

S.Priyakrishnan

... Petitioner /Respondent

Vs

Kiruthika

... Respondent/Petitioner

Prayer: Criminal Original Petition filed under Section 407 Cr.P.C., to withdraw the complaint from the file of the Judicial Magistrate No.2, Chidambaram, in DVC No.4 of 2020 and transfer the same to Chief Judicial Magistrate, Pondicherry.

For Petitioner : Mr. I.Abrar Mohamed Abdullah

For Respondent : Mr. S.A.Shanmugam

ORDER

The petitioner challenges the proceedings seeks transfer of the proceedings under the Domestic Violence Act.



2. The larger Bench of this Court reported in *Arul Daniel Vs. Suganya* (2022 SCC Online mad 5435], has held that the petition under Section 482 Cr.P.C., is not maintainable in respect of proceedings under the Domestic Violence Act and the aggrieved party can only file a revision under Article 227 of the Constitution of India.

3. In view of the said judgement of this Court, this Court is not inclined to entertain the petition under Section 407 Cr.P.C. It is open to the petitioner to pursue other remedies available to him in law.

4. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

21.03.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. Judicial Magistrate No.2, Chidambaram.
2. Chief Judicial Magistrate, Pondicherry.



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SUNDER MOHAN. J.

vsg

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