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Crl.OP.No.4827 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.4827 of 2023

and

Crl.MP.No.3048 of 2023

Janaki

... Petitioner

Vs.

1. Manickam @ Thanikachalam

2. Subbiah

3. Shakunthala

4. Visalakshi

... Respondents

Prayer: Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, pleaded to withdraw the C.C.No.138 of 2022 pending on the file of the Judicial Magistrate-Cum-Additional Mahila Court, Erode and transfer the same to the file of the Judicial Magistrate, Coimbatore.

For Petitioner : Mr.AR M.Arunachalam

For Respondent : Mr.S.Kamadevan
(Vakalat not filed)

ORDER

The petition for transfer of C.C.No.138 of 2022 pending on the file of the learned Judicial Magistrate-Cum-Additional Mahila Court, Erode.



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2. The short point canvassed by the learned counsel appearing for the petitioner is that the maintenance case filed by the petitioner in M.C.No.249 of 2017 and the Domestic Violence Case in D.V.C.No.380 of 2019 initiated by the petitioner is pending in the Courts at Coimbatore, whereas, the first respondent filed divorce petition in HMOP.No.528 of 2022 on the file of the Family Court, Erode and the same was transferred, pursuant to the order passed by the High Court and now pending before the Family Court, Coimbatore.

3. While two of the cases between the parties are pending in Coimbatore. It is just and necessary to transfer CC.No.138 of 2022 on the file of the learned Judicial Magistrate-Cum-Additional Mahila Court, Erode to Coimbatore.

4. The learned counsel appearing for the private respondents 1 to 4 submitted that CC.No.138 of 2022 on the file of the Judicial Magistrate-Cum-Additional Mahila Court, Erode is a private complaint alleging dowry harassment and related offence.

5. The respondent police after due investigation, closed the complaint as “mistake of fact” However, the protest petition was taken as a private complaint by the learned Magistrate and trial is in progress.

So far, P.W.1 examined both in chief and cross, P.W.2 chief was over and



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the matter is posted for examination of P.W.2 on 23.11.2023. Though the respondent has filed recall petition under Section 311 of Cr.P.C to re-call P.W.1, they are contemplating to withdraw the said application and get along with the cross examination of P.W.2, on that day, when she deposes chief examination and on the side of the accused, he wants to examine one defence witness and at this stage, counsel for the respondents states that it is needless to transfer the trial of this case.

6. On considering the submissions made by the learned counsel and the available materials on records, the trial of C.C.No.138 of 2022 had almost reached the stage of completion and at this stage, there is no valid reason to transfer the case to some other court at Coimbatore, just because, the parties have some cases in Coimbatore District. Therefore, the petition for transfer is dismissed with a direction to the trial Court to complete the trial within a period of 45 days from the date of receipt of a copy of this Order. Consequently, the connected miscellaneous petition is closed.

Vv

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To

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1. The Judicial Magistrate-Cum-Additional Mahila Court,
Erode.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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