



Crl.O.P.No.8310 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.8310 of 2023
and Crl.M.P.No.5266 of 2023**

Pattu .. Petitioner

Versus

Manickam .. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the M.C.No.15 of 2022 pending on the file of the learned District Munsiff-cum-Judicial Magistrate, Pennagaram, Dharmapuri District and to transfer the same to the Family Court, Coimbatore.

For Petitioner : M/s.A.Ilayaperumal

For Respondent : No Appearance

ORDER

This petition has been filed seeking for transfer of the case in M.C.No.15 of 2022 pending on the file of the learned District Munsiff-cum-Judicial Magistrate, Pennagaram to the Family Court, Coimbatore.



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2. Heard Mr.A.Ilayaperumal, learned Counsel for the petitioner. The respondent has been served with notice and his name has also been printed in the cause list. There is no representation on the side of the respondent either in person or through Counsel.

3. The petitioner had married the respondent in the year 2007 and through the wedlock, there is one male child born in the year 2008. The petitioner is working as Grade-II Constable in the Police Department and she is presently posted at Coimbatore as A.R Police.

4. The petitioner has alleged that she was treated with cruelty by the respondent and hence she filed H.M.O.P.No.1562 of 2022 before the Family Court, Coimbatore. This petition was allowed through an exparte decree dated 12.01.2023. Parallelly, the petitioner had also initiated a Maintenance Case against the respondent before the learned District Musiff-cum-Judicial Magistrate, Pennagaram and the same is pending.

5. The main ground on which this petition has been filed is that the petitioner is working at Coimbatore and she had to travel 215 Kms every



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time to attend the proceedings before the learned Judicial Magistrate, Pennagaram. That apart, she must also take care of her son who is also studying at Coimbatore.

6. In the considered view of this Court, there is sufficient ground to transfer this case from the file of the learned Judicial Magistrate, Pennagaram to the Family Court at Coimbatore. In view of the same, the proceedings in M.C.No.15 of 2022 pending on the file of the learned District Magistrate-cum-Judicial Magistrate, Pennagaram is withdrawn and transferred to the file of the Family Court, Coimbatore. The learned Judicial Magistrate, Pennagaram shall take immediate steps to transfer the entire case bundle to the Family Court, Coimbatore. On receipt of the same, the Family Court, Coimbatore shall renumber the petition and shall issue a notice to the respondent and thereafter proceed further with the case.

7. In the result, this petition is allowed with the above direction. Consequently, connected miscellaneous petition is closed.

02.08.2023



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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

1. The District Munsif-cum-Judicial Magistrate,
Pennagaram.
2. The Family Court,
Coimbatore.



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N.ANAND VENKATESH, J.

grs

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