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Crl.O.P.Nos.12654 & 12602 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.12654 & 12602 of 2023
and Crl.M.P. Nos.7668 & 7663 of 2023

Crl.O.P.No.12654 of 2023

K.N.Manivannan Sudhevan

... Petitioner

-VS-

M.Sandhiya Priyadharshini

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 407 of Criminal Procedure Code, to withdraw the case in DVOP No.6 of 2021 on the file of the Ld. Judicial Magistrate, Dharapuram and to transfer the same to any one of the Ld. Judicial Magistrate or any other competent Court at Coimbatore.

Crl.O.P.No.12602 of 2023

K.N.Manivannan

... Petitioner

-VS-

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1.M.Sandhiya Priyadharshini

2.Minor M.Kirthine

3.Minor M.Sathvika

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 407 of Criminal Procedure Code, to withdraw the case in M.C. No.6 of 2022 on the file of the Ld. Judicial Magistrate, Dharapuram and to transfer the same to any one of the Ld. Judicial Magistrate or any other competent Court at Coimbatore.

For Petitioner : Mr.N.Manoharan in both Crl.O.Ps

For Respondent :Mr.P.Navaneetha Krishnan
in both Crl.O.Ps.

COMMON ORDER

The petition is filed by the husband for transfer of the cases filed by the wife, one for Maintenance under Section 125 Cr.P.C and another for Protection under Domestic Violence Act. These two cases were initiated by the wife before the Court at Dharapuram, where she is residing. The petitioner herein wants transfer of the cases to Coimbatore on the ground that there are five more Civil Suits pending between them and they were all transferred to Coimbatore pursuant to the order passed by this Court and for the convenient of both the parties, these two petitions also wants to transferred to Coimbatore and



conducted at Coimbatore.

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2. The learned counsel for the respondent submitted that these two Applications are for Protection and Maintenance, till date, the petitioner has not paid any maintenance, therefore, she is now residing at Dharapuram and her children are under the custody of her parents at Coimbatore.

3. Considering the submissions, this Court is of the view that if the prayer for transfer the cases to be considered, the petitioner has to pay the costs for travel expenses and other incidental expenses to the respondents for each hearing and on such payment of costs, petitions for transfer of M.C. No.6 of 2022 and DVOP. No.6 of 2021 be entertained.

4. The learned counsel for the petitioner accepts for paying the costs. In view of the above facts, this petitions are allowed and the M.C. No.6 of 2022 and DVOP. No.6 of 2021 is transferred from Dharapuram to Family Court, Coimbatore. Both the cases may be heard together on the same day, on the hearing dates, whenever, the respondent is present, the petitioner shall pay a sum of Rs.1,800/- (Rupees Thousand and Eight Hundred only), on the date of hearing to the respondents directly. To ensure proper payment, the petitioner

Dr.G.JAYACHANDRAN,J.



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shall deposit a sum of Rs.9,000/- in the Maintenance Case Account (M.C. No.6 of 2022) and from which, the learned Judge shall disburse the costs as and when required.

5. With this observations, this Criminal Original Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

07.12.2023

Index :Yes
Neutral Citation :Yes/No.
Speaking order/Non-speaking order
rkp

To

1. The Judicial Magistrate,
Dharapuram.
2. The Family Judge,
Coimbatore.
3. The Public Prosecutor,
Madras High Court,
Madras.

CrI.O.P.Nos.12654 & 12602 of 2023
and CrI.M.P. Nos.7668 & 7663 of 2023