



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16356 of 2023
and Crl.M.P.No.10404 of 2023

Mr.P.V.Balaji

... Petitioner

Vs.

1.State,
The Inspector of Police,
W-3, AWPS, Poonamallee,
Thiruvallur.

2.V.G.Prabhakaran

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw and transfer the case in C.C.No.119 of 2023 from the file of the learned Judicial Magistrate-I, Poonamallee, Thiruvallur District to Judicial Magistrate Court at Chengalpet.

For Petitioner : Mr.K.M.Balaji

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1

No Appearance for R2



ORDER

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This criminal original petition has been filed seeking for transfer of the case pending in C.C.No.119 of 2023 before the learned Judicial Magistrate-I, Poonamallee to any of the Judicial Magistrate Court at Chengalpattu.

2. When the matter taken up for admission, this Court passed the following order:

Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice for first respondent.

2. Notice to the second respondent returnable by 11.08.2023. Private notice is also permitted.

3. It is brought to the notice of this Court that apart from C.C.No.119 of 2023 on the file of Judicial Magistrate I, Poonamallee, Thiruvallur District, there are three other proceedings, which were initiated by the wife of the petitioner viz., (i) F.C.O.P.No.293 of 2022 on the file of Family Court, Chengalpet; (ii) M.C.No.23 of 2022 on the file of Family Court, Chengalpet; and (iii) D.V.C.No.5 of 2023 on the file of Additional Mahila Court, Chengalpet. Therefore, the petitioner wants C.C.No.119 of 2023 on the file of Judicial Magistrate I, Poonamallee, Thiruvallur District, also to be transferred to the file



of any Court in Chengalpet.

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4. There shall be an interim stay of proceedings in C.C.No.119 of 2023 on the file of Judicial Magistrate I, Poonamallee, Thiruvallur District, till 11.08.2023.

5. Post this case under the caption 'for orders' on 11.08.2023.

3.Heard Mr.K.M.Balaji, learned counsel appearing on behalf of the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the 1st respondent. The 2nd respondent has been served with notice and there is no appearance either in person or through counsel.

4.It is seen from records that all the other proceedings are pending before various Court at Chengalpattu and it involves the same parties and therefore, it will be appropriate to transfer the proceedings in C.C.No.119 of 2023 also to any of the Magistrate Court at Chengalpattu. It is brought to the notice of this Court that only copies have been served on the accused persons. No prejudice will be caused to the 2nd respondent if the proceedings are transferred, since the 2nd respondent herself has initiated proceedings against the petitioner which are all pending only at Chengalpattu.



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5. In view of the above, proceedings in C.C.No.119 of 2023 on the file of the learned Judicial Magistrate-I, Poonamallee is withdrawn and transferred to the file of the learned Additional Mahila Court, Chengalpattu. The learned Judicial Magistrate-I, Poonamallee shall transmit the entire case records to the learned Additional Mahila Court, Chengalpattu, within a period of four weeks. Thereafter, the case shall be renumbered and the Additional Mahila Court shall proceed further in accordance with law.

6. This criminal original petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

20.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
ssr

To

1. The Judicial Magistrate-I, Poonamallee, Thiruvallur District.
2. The Judicial Magistrate Court at Chengalpet.
3. The Additional Mahila Court, Chengalpattu.



4.The Inspector of Police,
W-3, AWPS, Poonamallee,
Thiruvallur.

5.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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