



WEB COPY



Crl.O.P.No.24594 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24594 of 2022

and

Crl.M.P.Nos.15508/2022 & 14561/2023

Prem Kumar

... Petitioner

Vs.

Jemima Susan

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to withdraw the case in DVC.No.5 of 2022 pending on the file of the learned Judicial Magistrate, Hosur.

For Petitioner : Mr.D.Ferdinand

For Respondents : Mr.R.Radha Pandian

ORDER

The petitioner herein a resident of Coimbatore employed at Bangalore. His wife has preferred domestic violence case against him, which is pending on the file of the Judicial Magistrate, Additional Mahila Court, Vellore in D.V.C.No.5 of 2022, alleging that when the petitioner came to Vellore to



attend the case, he was threatened by a person engaged by the respondent.

Therefore, seeks for transfer of case to any other Court in Hosur or any other district.

2. To support his contention, the petitioner submitted certain documents stating that on 07.07.2021, he was threatened over phone and the transcript along with certificate under Section 65 B of the Indian Evidence Act, 1872, produced stating that regarding the threatening call, he had given a complaint to the Superintendent of Police, Vellore by registered post and same is under investigation.

3. The learned counsel appearing for the respondent submitted that for the past 7 years, the matrimonial dispute between the petitioner and the respondent is pending before the Judicial Magistrate, Additional Mahila Court, Vellore District and for the first time such allegation is made just to drag the domestic violence proceedings.

4. This Court, on perusing the transcripts of the alleged threatening phone call and other facts which is stated in the complaint and



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the representation of both the parties, is of the view that the learned Principal District Judge, Vellore is directed to transfer the case to any other Court in Tirupathur with instructions that the trial may be expedite as early as possible. If the petitioner wants to pursue his complaint to the Superintendent of Police regarding the alleged incident dated 07.07.2021, it is open for him to do so. The Superintendent of Police shall entrust the investigation of the matter with the competent officer and file final report. The petitioner herein seeks for transfer of the trial to the Court away from the place of the respondent resident, the petitioner shall pay the cost of Rs.1,500/- for every hearing date for which the respondent attends.

5. With this directions, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petitions are closed.

20.11.2023

Neutral Citation : Yes/No
rpl

To

1.The Principal District Judge, Vellore.

The Judicial Magistrate, Hosur.

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Dr.G.JAYACHANDRAN, J.

rpl

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