



1 of 4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.28036 of 2022

Subash Chandra Bose

Petitioner

vs.

1.Saranya

2.Minor Dharani

3.Minor Harini

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the petition filed by the respondent in M.C.No.2 of 2022 on the file of Judicial Magistrate No.II, Ulundurpet, Kallakurichi District and transfer the same to Principal Sub Court Virudhachalam, Cuddalore District or any other Court.

For Petitioner : Mr.T.Meganathan

For Respondents : No Appearance

ORDER

This petition has been filed seeking for transfer of the proceedings pending in M.C.No.2 of 2022 on the file of the learned Judicial Magistrate-II,



Ulundurpet to some other Court on the ground that the petitioner was physically assaulted by the relatives of the 1st respondent when he went to attend the Court proceedings.

2.Considering the grievance expressed by the petitioner, this Court ordered notice to the respondents and also granted stay of further proceedings. The respondents have been served and they are represented through a counsel.

3.It is seen from records that the petitioner was married to the 1st respondent during the year 2015 and out of this wedlock, two children were born who are the 2nd and 3rd respondents. There was some matrimonial dispute as a result of which, the 1st respondent is separated and she is living with children in her parents house. The 1st respondent filed M.C.No.2 of 2022 seeking for maintenance for herself and for the two children. During the pendency of the proceedings, an attempt was also made to amicably settle the dispute between the parties by referring the matter to Lok Adalat. There was no settlement.

4.The allegation made in the affidavit filed in support of the transfer petition is that when the petitioner went for attending the Court hearing on



07.10.2022, he was verbally abused and attacked by the 1st respondent and her relatives. The petitioner has also gave a complaint in this regard before the concerned police station and an FIR came to be registered in Crime No.491 of 2022.

5.In the light of the above development, the petitioner does not find it safe to attend the proceedings in MC No.2 of 2022. Accordingly, the present petition has been filed before this Court seeking for transfer of the proceedings.

6.In the considered view of this Court, taking into account the happenings on 07.10.2022, it is enough if the petitioner is represented through a counsel before the Court below. The Court below shall proceed further with the case and the counsel representing the petitioner shall ensure that there is progress in the proceedings without any unnecessary delay. If in case, the petitioner has to come to the Court for tendering any evidence, the Court below shall ensure the safety of the petitioner and shall not allow the 1st respondent to create any law and order problem in the Court premises. By giving these directions, the safety of the petitioner can be ensured.

7.The learned Judicial Magistrate-II, Ulundurpet, Kallakurichi District is directed to dispose of the case in M.C.No.2 of 2022, within a period of three months from the date of receipt of copy of this order.



4 of 4

N. ANAND VENKATESH., J.

SSR

WEB COPY

8.This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

04.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
SSR

To

- 1.The Judicial Magistrate No.II, Ulundurpet, Kallakurichi District.
- 2.The Principal Sub Court Virudhachalam, Cuddalore District.
- 3.The Public Prosecutor, High Court, Madras.

Crl.O.P No.28036 of 2022