



Crl.R.C.(MD) No.384 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.384 of 2022

1.Sarasu

2.Padmavathi

... Petitioners

Vs.

Chitradevi

... Respondent

Prayer : This Criminal Revision Case has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by the learned Principal Sessions Court, Dindigul in Tr.Cr.M.P.No.3803 of 2021 dated 28.02.2022 and set aside the same and allow the above Criminal Revision Petition.

For Petitioners : Mr.S.Sitharathan

ORDER

This Criminal Revision Case is filed to call for the records pertaining to the order passed by the learned Principal Sessions Court, Dindigul in Tr.Cr.M.P.No.



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3803 of 2021 dated 28.02.2022 and set aside the same and allow the above Criminal Revision Case.

2. The first petitioner's son was shown as respondent in Tr.C.M.P.No.3803 of 2021, which has been filed to transfer the case in Crl.M.P.No.8690 of 2011 on the file of the Judicial Magistrate Court, Oddanchatram, to Judicial Magistrate Court, Palani.

3. The facts in brief:-

The respondent filed a petition under the provision of Protection of Women from Domestic Violence seeking various reliefs before the Judicial Magistrate Court, Oddanchatram. In the above petition, the petitioners are shown as respondents 2 and 4, one K.Kanagaraj, S/o.Kuppusamy and one V.Kuppusamy are shown as respondents 1 and 3 and that petition was taken cognizance by the Court in Cr.M.P.No.8690 of 2011. Pending the above petition, the transfer petition was filed by the respondent herein, namely, Chitradevi seeking transfer of the process from the Court of Judicial Magistrate, Oddanchathiram to the Judicial Magistrate, Palani and in that petition, one Kanagaraj was shown as respondent



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and notice was also sent to him and thereafter, the petition was allowed and the case in Cr.M.P.No.8690 of 2011 was transferred to the Judicial Magistrate Court, Palani.

4. Now, the grievance of the petitioners is that even though they are also the party to the proceedings, they were not either shown as respondent or notice was sent to them and they have not been given opportunity to put forth their cases also.

5. More than one person is shown as respondents in the main petition, but they were ought not to have been arrayed as respondents in Tr.C.M.P and without taking into account the same, the transfer order has been passed. On that sole ground, the order passed by the learned Principal Sessions Judge, Dindigul, is liable to be set aside.

6. Though notice was served on the respondent, there is no representation for the respondent.



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7. Considering the facts and circumstances of the case, the order passed by the learned Principal Sessions Court, Dindigul in Tr.Cr.M.P.No.3803 of 2021 dated 28.02.2022, is set aside. The learned Principal Sessions Judge, Dindigul is directed to restore Tr.C.M.P.No.3803 of 2021 on file and *suo motu* implead the petitioners as a party/respondent in Tr.C.M.P and also serve notice to the respondents and after hearing both sides, dispose of the same on merits within a reasonable time.

With the above said directions, this Criminal Revision Case is allowed.

05.01.2023

Index : Yes/No
Internet : Yes/No
tta

To:-

Principal Sessions Court,
Dindigul.



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G.ILANGOVA, J,

tta

ORDER MADE IN
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