



WEB COPY



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP (MD) No.10641 of 2022

and

Cr1.MP (MD) No.6655 of 2022

Kirubakar Ramalingam : Petitioner

Vs.

1.P.L.Saranya

2.The State rep. by its
The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai. : Respondents
(R2 is impleaded as per
the order of this court
dated 20/03/2023 made
in Cr1.MP (MD) No.4538 of
2023)

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to withdraw the case in CC No.10 of 2018 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai and transfer the same to the Judicial Magistrate, Tambaram and pass such further or other orders.

For Petitioner : Mr.I.Robert Chandrakumar
For 1st Respondent : No appearance
For 2nd Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

WEB COPY

This criminal original petition is filed seeking withdrawal of the case in CC No.10 of 2018 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai and transfer the same to the Judicial Magistrate, Tambaram, Chengalpattu district.

2.The facts in brief:-

The petitioner is working in an IT company called 'SCOPE INTERNATIONAL' at Chennai. The 1st respondent is working in the IT company called 'DELL' at Chennai. The marriage between them took place, on 20/05/2015 as per their customary rites. They shifted their residence to Chennai, since both of them working there. After the marriage, they were no children. On 29/01/2016, the respondent left the matrimonial home due to some misunderstanding arose between them. On 12/05/2016, the respondent returned to the matrimonial home and later, took away all her belongings. Several steps were taken by the petitioner for reunion, but failed. The petitioner sent a legal notice for mutual divorce. Even though, that was received by the respondent, there is no reply. But later, gave a complaint against the petitioner and



others, which was registered in Crime No.47 of 2017 for the offences under sections 498(A), 406 and 506(ii) IPC.

3.Later, the respondent also filed a petition under Domestic Violence Act, before the Judicial Magistrate, Additional Mahila Court, Madurai, in Cr.M.P No.3702 of 2017 seeking compensation of Rs.50,00,000/-. Cr1.OP(MD)No.17626 of 2017 was filed before this court to transfer the petition to the Judicial Magistrate, Tambaram. It was also allowed, on 25/09/2019 transferring the case to the Judicial Magistrate, Tambaram, since both are working in Chennai. The present case must also be transferred to the Judicial Magistrate, Tambaram, since the matrimonial issue arose between the husband and wife, when they were residing in Chennai. In the meantime, the petitioner also filed a divorce petition in HMOP No.259 of 2018 before the Sub Court, Tambaram. Later, the respondent filed a petition in Tr.CMP(MD)No.400 of 2018 before this court. But that was dismissed, on 10/01/2019. Subsequently, the above said HMOP No.259 of 2019 was allowed and divorce was also granted. No further appeal now.



WEB COPY

4.Later CrI.OP(MD)No.10754 of 2018 was filed by the petitioner seeking quashment of the present criminal proceedings. It was dismissed, on 17/02/2022. But however, liberty was granted to the petitioner to move Transfer OP for transferring the proceedings to Tambaram Magistrate Court.

5.The respondent has been served, but none appear. So, the petitioner was heard as well as the learned Additional Public Prosecutor appearing for the second respondent.

6.As mentioned in the preamble portion, the issue between the husband and wife had met more than three proceedings. First in Crime No.47 of 2017. Another under the provisions of the Domestic Violence Act. Third one seeking divorce. Now, divorce has been granted and no more it is pending. It is also stated that no appeal has been preferred so far. HMOP No.259 of 2018 is transferred to the Judicial Magistrate, Tambaram and now, it is stated to be pending there. The present subject matter of the complaint is only pending trial before the Judicial Magistrate, Additional Mahila Court, Madurai. Since



already, HMOP No.259 of 2018 has been transferred to the Judicial Magistrate, Tambaram, I find no reason to reject the prayer that has been sought for by the petitioner.

7.It appears that it is genuine. Because even at the time of moving Crl.OP(MD)No.10754 of 2018 seeking quashment of the complaint, this court, even though, was not inclined to quash the proceedings, finding the inconvenience caused to the petitioner in facing the proceedings in Madurai, since connected matters are pending before the Judicial Magistrate, Tambaram, liberty was granted to the petitioner to move the concerned court. On that account, the present petition came to be filed. Since both are residing in Chennai, no inconvenience or prejudice would be caused to the respondent. The very fact that the respondent has not chosen to appear before this court, will show that she has no grievance with the proposed transfer.

8.In the light of the above facts and circumstances of the case, this criminal original petition stands **allowed**. The case, which is pending on the file of the Judicial Magistrate, Additional Mahila Court, Madurai, in



CC No.10 of 2018 is ordered to be transferred to the Judicial Magistrate, Tambaram. The Judicial Magistrate, Additional Mahila Court, Madurai is directed to transfer the entire records under intimation to the parties to the Judicial Magistrate, Tambaram immediately. The Judicial Magistrate, Tambaram, on receipt of the case bundle, is directed to assign a new number and intimate the parties about the transfer for appearance. Considering the oldness of the cases, the Judicial Magistrate, Tambaram is directed to expedite the trial process and complete the same within a period of five months from the date of appearance of parties. Since the petitioner is working in a private company, he can approach the concerned trial court namely the transferee court seeking for dispensing his personal appearance in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

23/06/2023

Index:Yes/No
Internet:Yes/No
er



To,

WEB COPY

- 1.The Judicial Magistrate,
Additional Mahila Court,
Madurai.
- 2.The Judicial Magistrate,
Thambaram, Chennai.
- 3.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



8

G. ILANGO VAN, J

er

Cr1.OP (MD) No.10641 of 2022

23.06.2023