



Crl.O.P(MD)No.12688 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.12.2023

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Crl.O.P(MD).No.12688 of 2021
and
Crl.M.P(MD).Nos.6487 and 6488 of 2021

P.Kaliappan

... Petitioner

Vs.

1.M.Karthika

2.Sheerazha Karthick

3.Susheela

4.Prabhu Rajasekar

5.Vijay Rajesh Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to withdraw the complaint from the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi in D.V.A.No.1 of 2021 and transfer the same to the Judicial Magistrate, Madurai.

For Petitioner :Mr.M.Maharaja

For Respondents :Mr.V.Angusamy for R1

: Mr.R.Chinna Ponnu for R2



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ORDER

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This petition has been filed to withdraw the petition under Domestic Violence Act, from the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi in D.V.A.No.1 of 2021 and transfer the same to the Judicial Magistrate, Madurai.

2. In view of the Hon'ble Full Bench Judgment in the case of ***Arul Daniel Vs.Suganya*** reported in ***2022 4 MLJ Crl.561*** the proceedings up to the stage of Section 31 of the Domestic Violence Act is civil in nature.

3. The transfer of the case of Domestic Violence Petition from one Court to another Court namely the Judicial Magistrate Court to the Family Court is not maintainable under Sections 482 or 406 Cr.P.C.,

4. In the said circumstances, this petition has been filed before the judgment of the Hon'ble Full Bench of this Court, this Court grants liberty to the petitioner to file a proper petition before the appropriate forum in accordance with the law laid down in the judgment of the Hon'ble Full Bench of this Court.



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5. With these observations this Criminal Original Petition stands closed and the Connected Criminal Miscellaneous Petitions are also closed.

19.12.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
sbn

To

1. The District Munsif cum Judicial Magistrate, Cheranmahadevi.
2. The Judicial Magistrate, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN,J.

sbn

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