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Crl.O.P.(MD)No.12931 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.12931 of 2022
and Crl.M.P.(MD).Nos.8205 & 8206 of 2022

K.Aparna

... Petitioner

Vs.

1.Kumaresan

2.Viji alias Valli Nayagi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the case in D.V.No.7 of 2021 on the file of the Honourable Court of Judicial magistrate No.II, Kulithalai and to transfer the same to the Honourable Judicial Magistrate Court, Trichy.

For Petitioner : Mr.T.Pradeep

For Respondents : Mr.V.Karuna

ORDER

This Criminal Original Petition has been filed seeking transfer of D.V.No.7 of 2021 from the file of the learned Judicial magistrate No.II, Kulithalai, to the file of the learned Judicial Magistrate, Trichy.

2.This petition has been filed by the petitioner on the ground that the petitioner is residing in Trichy. G.W.O.P.No.183 of 2021 filed by the



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first respondent before the Family Court, Karur, was also transferred to the file of the Family Court, Trichy and re-numbered as G.W.O.P.No.272 of 2022. The learned counsel for the petitioner would submit that the petitioner has also taking steps to transfer the petition filed by this petitioner in H.M.O.P.No.66 of 2021 and the petition filed by the first respondent in H.M.O.P.No.79 of 2021 from the Sub Court, Kulithalai, to Trichy. He would further submit that the petitioner has also filed a suit in O.S.No.431 of 2021 seeking maintenance and other reliefs before the District Court, Trichy and the same is also pending before there. He would further submit that now the husband is residing in abroad. So absolutely, there is no inconvenience for him to prosecute the matter at Trichy.

3.The learned counsel for the respondent would submit that since the H.M.O.P. proceedings are pending before the Sub Court, Kulithalai, there is no necessity for transferring the present D.V.No.7 of 2021 from the file of learned Judicial Magistrate No.II, Kulithalai.

4.Since the respondent stated to be in abroad, absolutely, there is no inconvenience to him to prosecute the matter in Trichy, if the same is transferred to Trichy. Further, since it is stated that the petitioner has



taking steps to transfer the H.M.O.P. proceedings pending before the Sub Court, Kulithalai, to Trichy, and already G.W.O.P. Proceedings is also pending before the Family Court, Trichy, it is appropriate to transfer the Domestic Violence Act proceedings also to the file of the learned Judicial Magistrate No.II, Trichy.

5. Accordingly, this criminal original petition is **allowed**. Consequently, connected miscellaneous petitions are closed. D.V.No.7 of 2021 pending on the file of the learned Judicial Magistrate No.II, Kulithalai, is ordered to be transferred to the file of the learned Judicial Magistrate No.II, Trichy. Let the entire papers be transferred to the file of the Judicial Magistrate Court No.II, Trichy, by the transferrer Court. The transferee Court is directed to take the case on its file and send notice to both the parties intimating the transfer of the case and also mentioning the date of appearance.

13.04.2023

Index : Yes/No
Internet : Yes/No
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To

- 1.The Judicial Magistrate No.II, Kulithalai, Karur District.
- 2.The Judge, Family Court, Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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