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Crl.O.P.Nos.2087 of 2023 & 2352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.2087 of 2023 & 2352 of 2023
& Crl.M.P.Nos.1199 & 1304 of 2023

Crl.O.P.No.2087 of 2023

S. Manju Sree,
D/o M. Sakthi,
2/65 Sri Ram Nagar,
NGGO Colony,
Thudiyalur,
Coimbatore - 641 022
Presently residing at Flat No. B2, Timberton,
Plot No. 538-540,
Kamarajar Avenue, Thiruvannamiyur,
Chennai - 600 041.

... Petitioner/Defacto
Complainant

/versus/

1. State Rep.by
Sub-Inspector of Police,
All Woman Police station,
Thudiyallur, Coimbatore.

...1st Respondent/Complainant

2.D.Sandeep,
S/o B.Damodarasamy

3.B.Damodarasamy,
S/o Balakrishnan

4.D. Bhakiyam,
S/o B.Damodarasamy



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Respondents 2 to 4 residing at Door No.51, Patel Street,
Veriyampalayam Village,
Kalapatti Post,
Coimbatore - 641 048

... Respondents 2 to 4/Accused

Prayer: Criminal Original Petition is filed under Section 407 of Cr.P.C.,
pleased to transfer, the proceedings in C.C.No. 1143 of 2022 pending before
the Additional Mahila Court, Coimbatore to the Additional Mahila Court
[Magistrate Level] at Alandur or such other court as deemed fit by this Hon'ble
Court.

For Petitioner : Mr.N.Charan

For R1 : Mr.R.Vinothraja,
Government Advocate (Crl.Side)

For R2 to R4 : Mr.D.R.Arun Kumar.

Crl.O.P.No.2352 of 2023

S. Manju Sree,
D/o M. Sakthi,
2/65 Sri Ram Nagar,
NGGO Colony,
Thudiyalur,
Coimbatore - 641 022
Presently residing at Flat No. B2, Timberton,
Plot No. 538-540,
Kamarajar Avenue, Thiruvanmiyur,
Chennai - 600 041.

... Petitioner

-VS-

1.D.Sandeep,
S/o B.Damodarasamy

2. B.Damodarasamy,
S/o Balakrishnan



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3. D. Bhakiyam,
S/o B.Damodarasamy.

4. D.Lokesh,
S/o.B.Damodarasamy.

All residing at Door No.51, Patel Street,
Veriyampalayam Village,
Kalapatti Post,
Coimbatore - 641 048.

... Respondents

Prayer: Criminal Original Petition is filed under Section 407 of Cr.P.C.,
pleased to transfer the proceedings in D.V.C.No.72 of 2021, on the file of the
Special Court to try cases filed under Protection of Women from Domestic
Violence Act, Coimbatore and transfer the same to the file of Additional
Mahila Judge Magistrate Level], Judicial Magistrate Court, Alandur or such
other Court.

For Petitioner : Mr.N.Charan

For R1 to R4 : Mr.D.R.Arun Kumar.

COMMON ORDER

Crl.O.P.No.2087 of 2023 has been filed for the transfer of entire
trial in C.C.No.1143 of 2022 from the file of the Additional Mahila Court,
Coimbatore to the file of Additional Mahila Court (Magistrate Level), Alandur
or any other Court.



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Crl.O.P.No.2352 of 2023 has been filed to transfer the proceedings

in D.V.C.No.72 of 2021, on the file of the Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore and transfer the same to the file of Additional Mahila Judge Magistrate Level], Judicial Magistrate Court, Alandur

2. The petitioner is the defacto complainant and respondents 2 to 4 are the accused in C.C.No.1143 of 2022. Based on the complaint, the first respondent registered the F.I.R. in Crime No. 32 of 2021 for offences under Section 498(A) and 506(2) of the I.P.C. and Section 4 of the Dowry Prohibition Act, 1961. After the completion of the investigation, final report was filed and the same has been taken cognizance of in C.C.No.1143 of 2022 on the file of the Additional Mahila Court, Coimbatore.

3. Pending trial, the petitioner was threatened with dire consequences by respondents 2 to 4. Though the petitioner lodged a complaint to the police, no action was taken. Instead, based on the complaint lodged by the first respondent, a case was registered, which culminated in a trial in C.C.No.486 of 2024 before the Judicial Magistrate, Additional Mahila Court (Magistrate Level), Coimbatore. Therefore, the petitioner filed a discharge



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petition in Crl.M.P.No.20374 of 2024, which was dismissed. Aggrieved by the same, the petitioner filed a revision before this Court in Crl.R.C.No.1683/2024, and allowed by an order dated 28.10.2024.

4. This Court also vehemently condemned the respondents. The petitioner has now shifted residence to Chennai with her parents due to the threats. Furthermore, the petitioner also filed D.V.C.No.72 of 2021, which is pending before the Special Court for cases under the Protection of Women from Domestic Violence Act, Coimbatore.

5. Further, the learned Counsel for the petitioner submits that the person who acted as an Additional Public Prosecutor in the same Court also appeared on behalf of respondents 2 to 4 and filed petitions under Section 370 of the I.P.C. on their behalf. He has also filed a memo to dismiss the domestic violence complaint against respondents 2 to 4.

6. The Learned Counsel appearing for the respondents 2 to 4 submitted that based on the complaint, case has been filed and registered against the petitioner, who was convicted and tried in C.C.No.486 of 2024. However, the petitioner was discharged from the said proceedings.



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Furthermore, all the witnesses are from Coimbatore, if the entire case transfer to Chennai, it would be very difficult for the respondents and their witnesses to reach Chennai for depositions.

7. The Learned Government Advocate (Crl.side) for the 1st respondent submits that no witnesses have been examined so far and that the petitioner is residing at Chennai and as such, she did not appear before the trial Court.

8. This Court finds some force in the argument of the Learned Counsel for the petitioner. The petitioner is suffering from mental illness and has been threatened from the respondents 2 to 4 herein. That apart, the petitioner also filed a petition for maintenance in M.C.No.265/2024 which is pending before the Family Court, Chennai. The petitioner has also filed a petition for divorce in H.M.O.P and it is also pending before the Family Court, Chennai. In both the proceedings, the 1st respondent is attending the Court in Chennai. Therefore, this Court is inclined to transfer all the proceedings to Chennai.



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9. On perusal of the charge sheet, it reveals that main witnesses are the petitioner and her parents. Therefore, other than the Investigating Officer, all the parties are staying in Chennai and there would not be any difficulty for them to depose before the trial Court at Chennai.

10. In view of the above, the entire proceedings in C.C.No.1143 of 2022 is hereby withdrawn from the file of the Additional Mahila Court, Coimbatore and transfer to the file of Additional Mahila Court, (Magistrate Level), Alandur, Chennai. Furthermore, the entire proceedings in D.V.C.No.72 of 2021 are hereby withdrawn from the file of Special Court to try the cases filed under Protection of Women from Domestic Violence Act, Coimbatore and transfer to the file of Additional Mahila Judge (Magistrate Level), Judicial Magistrate Court, Alandur.

11. Accordingly, these Criminal Original Petitions are allowed. Consequently, connected Miscellaneous petitions are closed.

06.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order



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G.K.ILANTHIRAIYAN, J.

bsm

To,

1. The Additional Mahila Court, Coimbatore.
2. The Additional Mahila Court [Magistrate Level], Alandur
3. The Sub-Inspector of Police,
All Woman Police station,
Thudiyallur, Coimbatore.
4. The Public Prosecutor, High Court, Madras.

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