



Crl.O.P.No. 5321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 5321 of 2024

and

Crl.M.P No.3865 of 2024

Saraswathi @ Vennila

..... Petitioner

Vs

N.Gajendiran

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of the Criminal Procedure Code, to withdraw and transfer the proceedings in M.C No.24 of 2021 from the Judicial Magistrate No.2, Tirupattur to Judicial magistrate, Hosur.

For Petitioner : Mr.P.A.Sudesh Kumar

For Respondent : Mr.E.Kannadasan

ORDER

This Criminal Original Petition has been filed seeking transfer of trial proceedings in M.C.No.24 of 2021 from the file of the Judicial Magistrate Mo.II, Tirupattur to the file of the Judicial Magistrate, Hosur.



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2. Heard the learned counsel appearing on either side and

perused the materials available on record.

3. The petitioner is the wife of the respondent. They got married on 28.02.2020. Thereafter, due to misunderstandings, they got separated and as such, the petitioner has been unable to maintain herself. Hence, she filed a petition seeking maintenance in M.C.No.24 of 2021 on the file of the Judicial Magistrate No.II, Tirupattur. Though the petitioner is presently residing at Bangalore, she filed the maintenance case at Tirupattur. While being so, when the petitioner attended the case, she was threatened by the second respondent with dire consequences. Therefore, the petitioner apprehends a threat to her life at the hands of the respondent.

4. The learned counsel appearing for the respondent submitted that the case is now posted for respondent's side evidence, and hence, the presence of the petitioner is not required at this stage. It is further submitted that, being a maintenance case, the petitioner is not expected to appear before the Trial Court on every hearing.



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5. In view of the above, this Court is inclined to transfer the

trial proceedings in M.C.No.24 of 2021. Accordingly, the M.C.No.24 of 2021 is hereby withdrawn from the file of the Judicial Magistrate No.II, Tirupattur and transferred the same to the file of the Judicial Magistrate, Hosur, for disposal in accordance with law.

6. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

04.04.2025

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

1. The Judicial Magistrate No.2,
Tirupattur

2. The Judicial Magistrate,
Hosur.



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G.K.ILANTHIRAIYAN, J.

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