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Crl.O.P.No.5506 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5506 of 2023
and
Crl.M.P.Nos.3451 & 3452 of 2023

1.Sowmya

2.Matheswaran

3.Jamuna

4.Arun

.. Petitioners

Vs.

1.Arunmozhi Varman

2.The State rep by its
Inspector of Police,
All Women Police Station,
Thiruvarur.

.. Respondents

Prayer: Criminal Original Petition filed under Section 407 of Cr.PC.,
praying to withdraw the C.C.No.248 of 2022 pending on the file of the
Judicial Magistrate, Thiruvarur and transfer the same to the any
competent Judicial Magistrate, Salem, by appreciating the above said
facts and circumstances of the case.



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For Petitioners : Mr.K.Sathish Kumar
For R1 : No appearance
For R2 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

This petition has been filed for transfer of trial in C.C.No.248 of 2022 from the file of the Judicial Magistrate, Thiruvarur, to any Judicial Magistrate at Salem District.

2.The petitioners are accused in the complaint lodged by the 1st respondent in C.C.No.248 of 2022 having been taken cognizance for the offences under Sections 494 of IPC and 420 of IPC r/w 109 IPC. The 1st petitioner is the wife of the 1st respondent. They got married and got separated due to misunderstanding between them. The 1st respondent filed a petition for divorce in H.M.O.P.No.327 of 2022 and the same is pending on the file of the Family Court at Salem. Therefore, the 1st petitioner filed Transfer CMP before this Court in Tr.C.M.P.No.926 of 2022. This Court by an order dated 15.11.2022 transferred the divorce petition filed by the 1st respondent from the file of the Sub Court, Thiruvarur and transferred the same to the file of the Family Court at



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Salem and is pending on the ground that the 1st petitioner also filed a petition for restitution of conjugal rights, which is pending on the file of the Family Court at Salem in H.M.O.P.No.85 of 2022.

3. Thereafter, the 1st respondent filed a private complaint as against the 1st petitioner before the Judicial Magistrate, Thiruvarur, in C.C.No.248 of 2022, which has been taken cognizance for the offences under Sections 420 & 494 of IPC.

4. Though notice served on the 1st respondent, no one appeared today before this Court either by person or through counsel.

5. The petitioners are residing at Salem and they have to travel from Salem to Thiruvarur for each and every hearing. Already the 1st petitioner is suffering without any income and the 1st respondent unnecessarily dragged them to attend the trial Court at Thiruvarur.

6. In view of the above, this Court is inclined to transfer the entire proceedings in C.C.No.248 of 2022 from the file of the Judicial Magistrate, Thiruvarur, to Salem. In view of the above, C.C.No.248 of



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2022 is hereby withdrawn from the file of the Judicial Magistrate at Thiruvarur and transferred the same to the file of the Judicial Magistrate No.III, Salem.

7.In the result, this Criminal Original Petition is allowed.
Consequently, the connected miscellaneous petitions are closed.

17.02.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Judicial Magistrate,
Judicial Magistrate Court,
Thiruvarur.
- 2.The Judicial Magistrate No.III,
Salem.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

G.K.ILANTHIRAIYAN, J.



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