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Crl.O.P.No.5118 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

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

Crl.O.P.No.5118 of 2025

and

Crl.M.P.No.3275 of 2025

K.Manikandan

... Petitioner

Vs

1. Vennila

2. Minor Poovarasi

D/o. Manikandan,

Rep. by her natural guardian and

mother Mrs.Vennila

... Respondents

Prayer: Criminal Original Petition filed under Section 528 read with Section 447 of B.N.S.S., to withdraw the M.C.No.2 of 2021 from the file of the Judicial Magistrate, Thirukovilur, Kallakurichi District and transfer the same to any other competent court (nearest District).

For Petitioner : Mr.P.Pandiyaraj

For Respondents : No appearance



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ORDER

This petition has been filed to withdraw the case in M.C.No.2 of 2021 from the file of the Judicial Magistrate, Thirukovilur, Kallakurichi District and transfer the same to any other competent court (nearest District).

2. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served, the respondents have not entered appearance, either in person or through Counsel.

3. The petitioner is the husband of the first respondent. They got married on 11.11.2016 and thereafter gave birth to the second respondent. While that being so, due to misunderstandings between them, the first respondent, along with her child, was driven out from the matrimonial home and they are living separately. Therefore, since the respondents could not able to maintain themselves, they filed a maintenance petition in M.C. No. 2 of 2021 on the file of the Judicial Magistrate, Thirukovilur, Kallakurichi District. When the petitioner was appearing before the Trial Court, he was



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physically assaulted by the first respondent's parents. Therefore, the petitioner lodged a complaint and the same has been registered in Crime No. 692 of 2024 for the offences punishable under Sections 296(b), 115(b), 118(1), 351(3) of BNS. In fact, a counter-complaint was also filed by the first respondent and the same has been registered in Crime No. 493 of 2024 for the offences punishable under Sections 191(2), 296(b), 115(2), and 351 of BNS.

4. That apart, the petitioner also filed a petition for divorce in O.P. No. 25 of 2025 on the file of the Sub Court, Kallakurichi and it is pending. Therefore, the petitioner now wants to transfer the entire case in M.C. No. 2 of 2021 from the file of the Judicial Magistrate, Thirukovilur, Kallakurichi District, to any other competent court (nearest district). Therefore, the petitioner has made out a case for transfer of the entire trial in M.C. No. 2 of 2021 from the file of the Judicial Magistrate, Thirukovilur, Kallakurichi District.

5. In view of the above, this Court is inclined to transfer the case in M.C. No. 2 of 2021 from the file of the Judicial Magistrate, Thirukovilur,



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Kallakurichi District, to the Judicial Magistrate-I, Kallakurichi.

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Accordingly, the entire case in M.C. No. 2 of 2021 is hereby withdrawn from the file of the Judicial Magistrate, Thirukovilur, Kallakurichi District, to the Judicial Magistrate-I, Kallakurichi. On receipt of the entire bundle, the learned Judicial Magistrate-I, Kallakurichi, is directed to complete the trial and dispose of the same within a period of three months from the date of receipt of a copy of this order. The distance between Thirukovilur and Kallakurichi is only about 20 kilometers. Therefore, no prejudice would be caused to the respondents if the matter is transferred from the file of the Judicial Magistrate, Thirukovilur, Kallakurichi District, to the Judicial Magistrate-I, Kallakurichi.

6. In the result, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petition is closed.

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

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To

1. The Judicial Magistrate, Thirukovilur,
Kallakurichi District
2. The Public Prosecutor,
High Court, Madras.

Copy to

The Judicial Magistrate-I, Kallakurichi.



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G.K.ILANTHIRAIYAN. J.

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