



Crl.O.P.No.9443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9443 of 2023
and
Crl.M.P.Nos.6155 & 6204 of 2023

1.Santha

2.I.John Pichai

.. Petitioners

Vs.

1.R.Josphin Asnath

2.John Daniel

.. Respondents

Prayer: Criminal Original Petition filed under Section 407 of Cr.PC.,
praying to withdraw and transfer D.V.C.No.7 of 2023 on the file of
Judicial Magistrate, Additional Mahila Court, Udhagamandalam to the
file of Judicial Magistrate No.1, Avinashi or any other nearby competent
Court.

For Petitioners : Mr.R.Thamaraiselvan

For RR 1 & 2 : Not ready in notice – NA



Crl.O.P.No.9443 of 2023

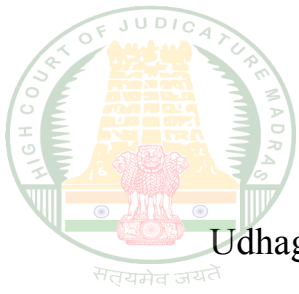
ORDER

WEB COPY This petition has been filed for transfer of the complaint filed by the 1st respondent in D.V.C.No.7 of 2023 from the file of Judicial Magistrate, Additional Mahila Court, Udhagamandalam, to the file of Judicial Magistrate No.1, Avinashi.

2.The 1st respondent married the 2nd respondent, who is none other than the son of the petitioners. They got separated and the 1st respondent was drawn out to her parents house. Therefore, the 1st respondent filed a petition in D.V.C.No.7 of 2023 before the Judicial Magistrate, Additional Mahila Court, Udhagamandalam, and it is pending for trial.

3.The petitioners are being the mother-in-law and father-in-law also have been roped into the complaint lodged by the 1st respondent under the Domestic Violence Act. Now the petitioners have sought for transfer of entire trial from Udhagamandalam to their native, namely Avinashi. The learned counsel for the petitioners would submit that the petitioners are aged persons and they could not able to travel each and every hearing to Udhagamandalam and appear before the Trial Court.

Admittedly, the 1st respondent is staying at her parents house at



Cr1.O.P.No.9443 of 2023

Udhagamandalam. It is the jurisdictional Court. For her convenience, she

lodge a complaint and the same is pending for trial.

4. Therefore, the transfer of entire proceedings cannot be considered and this Criminal Original Petition is dismissed. However, the appearance of the petitioners before the Trial Court is hereby dispensed with except the hearings in which the appearance of the petitioners is very much needed by the Trial Court. 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,
Additional Mahila Court, Udhagamandalam.
2. The Judicial Magistrate No.1,
Avinashi.
3. The Public Prosecutor,
Madras High Court, Chennai.



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Crl.O.P.No.9443 of 2023

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.9443 of 2023

17.02.2025