

CRL.OP(MD)No.14826 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

CRL.OP.(MD)No.14826 of 2022

and

C.M.P.(MD)No.9656 of 2022

1.AL.Visalakshi

2.Chinthamani

3.Kothaimeena

...Petitioners

Vs.

1.Periyakaruppan

2.Murugesan

3.Laskhmi

4.Valli

5.Subramanian Chettiyar

6.Chellaiya

...Respondents

PRAYER: Criminal Original Petition is filed under Section 407 of Code of Criminal Procedure, praying to withdraw the DVC.No.3 of 2021, from the file of Learned Judicial Magistrate, Devakottai and transfer the same to the Learned Judicial Magistrate, Poonamallee.



WEB COPY



CRL.OP(MD)No.14826 of 2022

For Petitioners : Mr.D.Venkatachalam

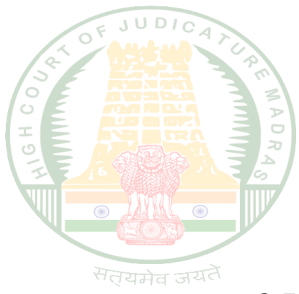
For Respondent No.1 : Mr.S.Ramsundarvijayaraj

For Respondent No.3 : Mr.T.Dinesh

ORDER

This petition has been filed seeking to withdraw the DVC.No.3 of 2021, from the file of the Learned Judicial Magistrate, Devakottai and transfer the same to the Learned Judicial Magistrate, Poonamallee.

2.Learned Counsel for the petitioner would submit that the marriage of the first petitioner and the first respondent was solemnized on 09.06.2016 and they are blessed with two children and the two children are with the first petitioner. Thereafter, there was matrimonial dispute between them and thereby, the first petitioner / wife filed domestic violence case on the file of the Judicial Magistrate, Devakottai. The first respondent / husband failed to take care of the first petitioner / wife. Thereafter, the first petitioner / wife shifted her residence to Chennai, where she got employment, since she has no one to support her in her parental home. Hence, the present Criminal Original Petition has been filed to transfer DVC.No.3 of 2021, from the file of the Learned Judicial Magistrate, Devakottai to the Learned Judicial Magistrate, Poonamallee.



WEB COPY

3.Learned Counsel for the respondents would submit that in order to harass the respondents, the petitioner has filed a frivolous petition before this Court, seeking to transfer the case from Devakottai to Poonamallee, forcing the respondents to travel to Chennai.

4.Considering the facts and circumstances of the case and also considering the fact that the first petitioner / wife is living alone with her two children at Chennai, since she has no one to support her in her parental home, this Criminal Original Petition is allowed. Accordingly, the petition in DVC.No. 3 of 2021, is withdrawn from the file of the Learned Judicial Magistrate, Devakottai and transferred to Judicial Magistrate, Poonamallee. However, the appearance of the respondents is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 230 of BNSS, framing of charges, questioning under Section 351 of BNSS and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct them to appear on those days.



CRL.OP(MD)No.14826 of 2022

WEB COPY

5. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

03.07.2025

Internet: Yes/No

Index: Yes/No

MR



CRL.OP(MD)No.14826 of 2022

WEB COPY

To

- 1.The Judicial Magistrate Court,
Devakottai.
- 2.The Judicial Magistrate,
Poonamallee.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL.OP(MD)No.14826 of 2022

M.DHANDAPANI, J.

MR

CRL.OP.(MD)No.14826 of 2022

03.07.2025