

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.20836 of 2015  
and  
M.P.Nos.1 and 2 of 2015

G. Sri Prakash

...Petitioner

Vs.

D.Yuvashree

... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of Crl.P.C to direct the respondent to withdraw the petition in M.C.No.17/2015 on the file of the Judicial Magistrate, Thiruvottiyur and file the same before the Principle Family Judge, at Chennai.

For Petitioner : Mr.R.Baskar

O R D E R

This Criminal Original Petition has been filed to direct the respondent to withdraw the petition in M.C.No.17/2015 on the file of the Judicial Magistrate, Thiruvottiyur and file the same before the Principle Family Judge, at Chennai.

2. Heard the learned counsel appearing for the petitioner.

3. It is seen that the petitioner got married to the respondent in the year 2012 and their marriage life ran into rough weather. The petitioner initiated proceedings against her wife for restitution of conjugal rights in HMOP No.2068 of 2013 and the same is pending till date. The respondent was not able to maintain herself and she has filed a petition in M.C.No.17 of 2015 under Section 125 Cr.P.C for maintenance before the learned Judicial Magistrate, Thiruvottiyur and the petitioner is now seeking to transfer the petition in M.C.No.17 of 2015 to family Court, Chennai. In para - 15 of the petition in M.C.No.17 of 2015 filed by the respondent, it is stated as follows;

"15. I further submits that the Respondents acts on the tune of his father and wanted to get another marriage by spoiling another girl's life. But on the other hand, he has filed O.P.No.2068/2013 for conjugal right before the Hon'ble Family Court. If really is having any

idea to take me to matrimonial home, I several time requested his to take back, but all the time he has refused for the same. But now to escape from the action of police he has filed the present O.P. I further submit that the Respondent had his father along with concubine threatened us that my father in law will arrange second marriage to the Respondent and thereby tried to spoil my life."

Section 125 Cr.P.C is beneficial provision intended to give immediate relief to deserted wives. Therefore, when the fact remains that the petitioner has not paid any maintenance amount to the respondent, it will be travesty of justice, if the respondent wife is made to come all the way to Chennai for fighting litigation in Chennai Court. Hence, the petition is devoid of merits and the same is hereby dismissed. Consequently, connected miscellaneous petitions are closed.

sms

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate, Thiruvottiyur.
2. The Principal Family Court, Chennai.

ggk(co)  
prk21/9

सत्यमेव जयते

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and  
M.P.Nos.1 and 2 of 2015

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