

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.03.2016****CORAM:**

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Cr1.O.P.(MD) No.5033 of 2016****and****Cr1.M.P.(MD)No.2486 of 2016**

Suresh

... Petitioner/Respondent

vs.

1.Kavitha

2.Minor Kiruthick Kumar

represented by his mother

and natural guardian,

1st respondent herein.

... Respondents/Petitioners

PRAYER: This petition is preferred under Section 407 Cr.P.C., to withdraw the case in M.C.No.3 of 2015 from the file of the Chief Judicial Magistrate Court, Theni and transfer the same to the Chief Judicial Magistrate Court, Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.S.S.Thesigan

O R D E R

This petition has been filed to withdraw the case in M.C.No.3 of 2015 from the file of the Chief Judicial Magistrate Court, Theni and transfer the same to the Chief Judicial Magistrate Court, Srivilliputhur, Virudhunagar District.

2. Heard the learned Counsel for the petitioner.

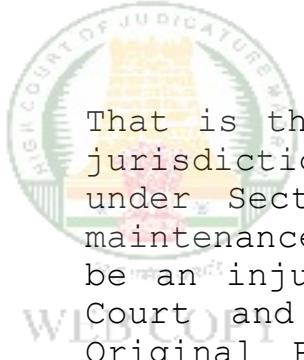
3. It is seen that the first respondent has initiated proceedings under Section 125 Cr.P.C. against the petitioner herein before the Chief Judicial Magistrate, Theni.

4. It is the case of the first respondent that she got married to the petitioner on 24.10.2011 and they have one child by name Kiruthick Kumar through their wedlock. It is alleged by the first respondent that the petitioner has failed and neglected to maintain her and therefore she is living in her parental house in Theni, where she has launched the proceedings under Section 125 Cr.P.C. as stated above.

5.The learned Counsel for the petitioner submitted that the petitioner's father is very sick and that he has got mentally deranged sister and they have to be taken care by him and therefore, he finds very difficult to travel from Ambasamudram to Theni.

<https://hcservices.ecourts.gov.in/hcservices/>

6.In the considered opinion of this Court, Section 125 Cr.P.C. is a beneficial legislation indeed to provide relief for women.



That is the reason why the law empowers the Magistrate, in whose jurisdiction the deserted wife lives, to entertain the application under Section 125 Cr.P.C. Admittedly in this case, no interim maintenance has been paid to the respondents. Therefore, it will be an injustice to make the poor respondents to go to any other Court and litigate. Under such circumstances, this Criminal Original Petition is devoid of merits and hence, the same is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

7. The learned Chief Judicial Magistrate, Theni is directed to complete the enquiry, provided the petitioner co-operates for the enquiry, within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate Court, Theni.

Ssl

CSL/AAL-MPA/05.04.2016/2P/2C

Crl.O.P. (MD) No.5033 of 2016