



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Crl.O.P(MD)Nos.757 and 758 of 2016
and
CRL MP(MD)Nos.385 and 386 of 2016

Rajendran : Petitioner in both Crl.OPs.

Vs.

1.Sumathi

2.Minor Nithya

(R2 represented through her
mother and guardian ie.,R1)

: Respondents in both Crl.OPs.

PRAYER IN CRL.OP.757/2015: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to withdraw the Cr.M.P.No.1122 of 2015 in M.C.No.10 of 1991 pending before the Judicial Magistrate, Periyakulam, Theni District and the same may be transferred to any one of the competent Court in any other District.

PRAYER IN CRL.OP.758/2015: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to withdraw the Cr.M.P.Nos.101/2006, 102/2006, 100/2006 and 910 of 2013 in M.C.No.10 of 1991 pending before the Chief Judicial Magistrate, Theni, Theni District and the same may be transferred to any one of the competent Court in any other District.

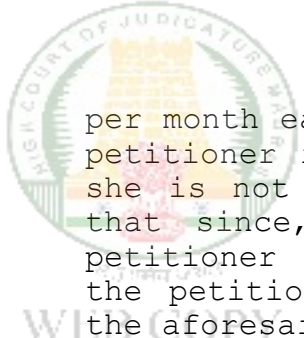
For Petitioner : Mr.A.Arunagiri

For Respondents: Mrs.S.Prabha
Government Advocate (Crl.Side).

ORDER

The petitioner in both the Criminal Original Petitions are one and the same. The petition in CRL.OP(MD)No.757 of 2015 has been filed praying to withdraw the Cr.M.P.No.1122 of 2015 in M.C.No.10 of 1991 pending on the file of the Judicial Magistrate, Periyakulam, Theni District and the same may be transferred to any one of the competent Court in any other District. The petition in CRL.OP(MD)No.758 of 2015 has been filed praying to withdraw the Cr.M.P.Nos.101/2006, 102/2006, 100/2006 and 910 of 2013 in M.C.No.10 of 1991 pending before the Chief Judicial Magistrate, Theni, Theni District and the transfer the same to any one of the competent Court in any other District.

2. The counsel appearing for the petitioner would submit that the respondents 1 and 2 are respectively wife and daughter of the petitioner. He would further submit that there was a mutual divorce, as per the customary practice. The wife and daughter filed a petition for maintenance and the same was allowed, granting maintenance at Rs.150/-



per month each to the wife and daughter. Now, the main contention of the petitioner is that, since the 2nd respondent / daughter has become major, she is not entitled to claim any maintenance. He would further submit that since, there is a threat on the side of the respondents, the petitioner is unable to examine the witnesses on his side. Therefore, the petitioner has come up before this Court with these petitions, for the aforesaid relief.

3. A cursory glance at the order of the Principal District and Sessions Judge, Theni, dated 07.12.2015 makes it very clear that, since the minor daughter, has attained majority, she is not entitled to claim any maintenance and the wife/1st respondent is entitled to claim maintenance at Rs.150/- per month, as ordered by the Judicial Magistrate, Theni. A perusal of the above order would further reveal that the Chief Judicial Magistrate has got the jurisdiction to decide the issue and has also modified the maintenance amount, as stated supra. Further, the Judge has also given sufficient and several opportunities to both the Petitioner and respondents and decided the matter on merits. The reasons assigned by the petitioner are not germane, to transfer the case to some other Court. In view of the above, this Court finds no force in the submissions made by the counsel for the Petitioner and therefore, the Criminal Original Petitions are liable to be dismissed.

4. In the result, these Criminal Revision Petitions are dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(R)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Chief Judicial Magistrate,
Theni, Theni District
- 2.The Judicial Magistrate,
Periyakulam, Theni District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2CC to Mr.A. Arunagiri,Advocate, SR.No. 2590, 2590

ORDER MADE IN
Crl.O.P(MD)Nos.757 and 758 of 2016
18.01.2016

AM/01.02.2016/NGM.SS/2P/6C

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