



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.2710 of 2017

and

CRL.M.P (MD) Nos.2065 and 2066 of 2017

WEB COPY

Senthilkumar : Petitioner
-Vs-

R.Suganya : Respondent

PRAYER: Petition is filed under Section 407 of the Criminal Procedure Code to call for the records in M.C.No.21 of 2016 on the file of the learned Chief Judicial Magistrate, Trichy District and transfer the same to the file of the Family Court, Trichy District.

For Petitioner : Mr.N.Ananda Kumar

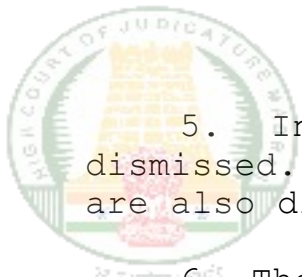
O R D E R

Suganya got married to Senthilkumar on 03.03.2014 and their marriage ran into rough weather. Suganya filed a divorce petition in H.M.O.P.No.376 of 2016 before the Family Court, Trichirapalli against Senthilkumar. While so, Suganya has also filed M.C.No.21 of 2016 before the Chief Judicial Magistrate, Pudukkottai under Section 125 Cr.P.C. against Senthilkumar, for transferring which, Senthilkumar is before this Court.

2. Heard the learned Counsel appearing for the petitioner.

3. The learned Counsel for the petitioner submitted that when Suganya has initiated divorce proceedings in Trichirapalli, the maintenance petition of Suganya before the Chief Judicial Magistrate, Pudukkottai is an abuse of process of law and therefore, it should be transferred.

4. The address of Suganya is admittedly in Pudukkottai. A petition under Section 125 Cr.P.C. can be filed in a Court within whose jurisdiction, a deserted wife lives. Therefore, filing of the maintenance petition by Suganya before the Chief Judicial Magistrate, Pudukkottai cannot be transferred as it will cause undue prejudice to a lady, as she has to go every time to Trichirapalli.



5. In the result, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

6. The learned Counsel for the petitioner submitted that if the parties are referred to Mediation, it will bring settlement between the parties.

7. Regarding the submission made by the learned Counsel for the petitioner, this Court directs Senthilkumar to appear before the Chief Judicial Magistrate, Pudukkottai within a period of two weeks from the date of receipt of a copy of this order and furnish a bond under Section 88 Cr.P.C. for a sum of Rs.5,000/- (Rupees Five Thousand Only) without sureties. Thereafter, the learned Chief Judicial Magistrate, Pudukkottai shall refer both the parties to the local Mediation Centre for bringing about the settlement and the mediation proceedings should be completed within a period of one month from the date of reference by the Chief Judicial Magistrate, Pudukkottai. Thereafter, if the mediation proceedings fails, the Chief Judicial Magistrate, Pudukkottai shall proceed expeditiously with the enquiry in M.C.No.21 of 2016.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To:

The Chief Judicial Magistrate,
Pudukkottai.

+1 CC to M/s.N.ANANDAKUMAR , Advocate, SR No. 61062.

SSL

PSM/JC/SAR1/23.06.2017/2P/3C

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