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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16876 of 2018
and
Crl.M.P.No.8713 of 2018

M. Ravichandran ...Petitioner

Vs.

P.B. Usha Nandini
W/o M. Ravichandran ...Respondents

Prayer:The Criminal Original Petition filed under Section 482 of Cr.P.C., directing to withdraw the M.C.No.2 of 2017 on the file of the District Munsif Cum Judicial Magistrate, Pallipattu and transfer the same to Family Court IV at Chennai and tried along with O.P.No.3884 of 2017 on the file of Family Court IV, Chennai and pass orders.

For Petitioners : Mr.A.M. Nataraj
For Respondent : Mr.R. Vigneswaran

O R D E R

This Criminal Original Petition has been filed directing to withdraw the M.C.No.2 of 2017 on the file of the District Munsif Cum Judicial Magistrate, Pallipattu and transfer the same to Family Court IV at Chennai and tried along with O.P.No.3884 of 2017 on the file of Family Court IV, Chennai

2. The case of the prosecution is that the petitioner is the husband and the respondent is wife. The respondent/wife filed M.C.No.2 of 2017 on the file of Judicial Magistrate, Pallipattu and the petitioner/husband filed O.P.No.3884 of 2017 on the file of IV Family Court Chennai for restitution of Conjugal Rights.

3. The facts of the case is that the marriage between the petitioner and the respondent took place on 16.04.1990 at Veppan Katpadi Taluk, Vellore District and out of the wedlock three children were born to them. The respondent is a house wife taking care of the children and family.

4. The petitioner worked as a Jawan in Indian Army and retired from service on 30.04.2007. The petitioner further

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states that he purchased a residential plot and constructed a house for his family and the petitioner's family settled in the said plot. Thereafter, it seems that the respondent developed illicit relationship with one Siva and the same was brought to the knowledge of the petitioner by none other than the father of the respondent. Due to the said illicit relationship the respondent started lavishly spending the hard earned money of the petitioner.

5. The petitioner after retired from Indian Army joined as a Bomb squad in Police Department in the year 2009 for training and handling police Dogs at Chennai and police quarters was allotted to the petitioner. It seems that when the petitioner/husband insisted the respondent to come and stay along with him in the police quarters the respondent wife refused to stay and filed the maintenance petition in M.C.No.2 of 2017 on the file of Judicial Magistrate, Pallipattu. Thereafter, the petitioner also registered a complaint before the IV Family Court, Chennai for restitution of Conjugal rights in O.P.No.3884 of 2017. To transfer the M.C.No.2 of 2017 on the file of the Judicial Magistrate, Pallipattu to be tried along with O.P.No.3884 of 2017 on the file of IV Family Court, Chennai, the present petition came to be filed.

6. The learned counsel for the petitioner submits since the petitioner is working as a bomb squad he could not be able to appear before the Pallipattu Judicial Magistrate Court, he seeks to transfer the M.C.No.2 of 2017 on the file of the Judicial Magistrate, Pallipattu filed by the respondent/wife and tried along with O.P.No.3884 of 2017 on the file of IV Family Court, Chennai filed by the petitioner.

7. Considering the facts of the case the respondent this Court is of the view that the respondent/wife being a lady, it will be difficult for her to travel from Pallipatu to Chennai. Hence, the grounds raised by the petitioner cannot be accepted and the prayer sought by the petitioner cannot be granted. Accordingly this petition is dismissed . Consequently connected miscellaneous petition is closed. However, the interim order already granted by this Court in Crl.M.P.No.8713 of 2018 dated 18.07.2018 is continued till the disposal of the H.M.O.P.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif Cum Judicial Magistrate, Pallipattu

2. The Family Court IV, Chennai

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to M/s.P.Nethaji , Advocate SR.No. 31320

Crl.O.P.No.16876 of 2018
and
Crl.M.P.No.8713 of 2018

SR II(CO)
B.VC(09.08.2021)

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