



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18096 of 2021

1. C.Hemalatha,
W/o. N.Rajasekar

2. Minor Selvaa,
S/o. N.Rajasekar,
rep. by his mother viz.,
the 1st petitioner

... Petitioners

Versus

N.Rajasekar,
S/o. Natarajan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Family Court, Vellore, Vellore District to entertain the petition filed by the petitioner under Sec.125(1)(a) of CrI.P.C. in F.No.M.C./83/2021 in CNR. No.TNVL080001692021 dated 26.02.2021.

For Petitioners : Mr.E.Kannadasan

ORDER

(This case has been heard through video conference)

This petition has been filed seeking a direction directing the learned Family Court, Vellore to entertain the petition filed by the petitioners under Sec.125(1)(a) of CrI.P.C.

2. The 1st petitioner is erstwhile wife of Rajasekar, who has filed a petition before the Family Court, Vellore under Section 125(1)(a) of CrI.P.C. seeking maintenance. The Family



Court returned the petition on 12.03.2021 endorsing that it has no jurisdiction and the relevant portion of endorsement is extracted hereunder:-

"This petition not come in this Court territorial jurisdiction. Hence, returned. Petition to be filed in proper court. Hence, returned. Time one month."

3. The learned counsel appearing for petitioners would submit that after formation of Family Court, no Judicial Magistrate is entertaining the petition filed under Section 125(1)(a) of Cr.P.C. and the Family Court only ought to receive the petition and to proceed according to law.

4. This Court on considering submissions, finds that as per Section 10(2) of Family Court Act, any proceedings initiated under Chapter IX of that Code before a Family Court, the same to be entertained only by the concerned Family Court and no other courts. In view of the same, the Family Court, Vellore, is directed to take petitioner's complaint on file and dispose it according to law. Accordingly, this Criminal Original Petition is dismissed with the above direction.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

rpp/sp

To

The Family Court Judge, Vellore.

+1CC to M/s.E.Kannadasan, Advocate, SR.No. 52186

CRL.O.P.No.18096 of 2021

NR(CO)

B.VC (13/10/2021)