



Crl.O.P.(MD)No.12412 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.12412 of 2022

and

Crl.M.P.(MD)No.7859 of 2022

A.Maripandi

... Petitioner/Respondent/Respondent

Vs.

1.Rathika

2.Minor. Vijaypandi

3.Minor. Madhumitha

... Respondents/Petitioners/Petitioners

[Respondents 2 and 3 represented through their natural guardian mother/1st respondent herein]

PRAYER:- Petition filed under Section 482 of Cr.P.C., to withdraw the Crl.M.P.No.106 of 2022 in M.C.No.19 of 2018 on the file of the learned Judicial Magistrate Court, Paramakudi, Ramanathapuram District and transfer the same to the learned Judicial Magistrate Court, Sivagangai.

For Petitioner : Mr.V.Muthukamatchi

For Respondents : Mr.D.Senthil for R1



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ORDER

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The Criminal Original Petition has been filed to withdraw Crl.M.P.No. 106 of 2022 in M.C.No.19 of 2018 on the file of the learned Judicial Magistrate Court, Paramakudi, Ramanathapuram District and transfer the same to the learned Judicial Magistrate Court, Sivagangai.

2.The learned counsel for the petitioner would submit that the first respondent/wife filed a maintenance case under Section 125 of Cr.P.C., before the learned Judicial Magistrate Court, Paramakudi in M.C.No.19 of 2018 and the learned Judicial Magistrate has passed an exparte award against the petitioner on 02.07.2019 and also directed the petitioner to pay Rs.5,000/- each as monthly maintenance. Against which, the petitioner filed a petition in Crl.M.P.No.295 of 2020 before the learned Judicial Magistrate Court, Paramakudi and subsequently, it was renumbered as Crl.M.P.No.106 of 2022. It is the further case of the petitioner that the petitioner and the first respondent/wife were settled in Sivagangai and both of them unnecessarily travelled from Sivagangai to Paramakudi. Hence, the petitioner has filed the present petition with the above said prayer.



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3.The learned counsel for the first respondent would submit that as against the order passed in M.C.No.19 of 2018, the petitioner preferred a revision before this Court in Crl.R.C.(MD)No.803 of 2023 and the same was allowed on 15.09.2023 and a direction was issued to the trial Court to complete the proceedings within a period of three months. Hence, he prayed for dismissal of this petition.

4.Heard the learned counsel on either side and perused the materials available on record.

5.Admittedly, aggrieved by the order passed in M.C.No.19 of 2018, the petitioner has preferred the revision before this Court in Crl.R.C.(MD)No.803 of 2023 and this Court issued a direction to the trial Court to complete the trial within a period of three months from the date of receipt of a copy of that order. Since a direction has already been issued by this Court, this Court cannot transfer the case from Paramakudi to Sivagangai. Hence, the prayer sought for by the petitioner cannot be granted by this Court.



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6.In view of the above, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

13.02.2024

To

- 1.The Judicial Magistrate Court,
Paramakudi, Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

Sji

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