



CrI.O.P.(MD)No.21558 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.21558 of 2022

and

CrI.M.P(MD)No.15186 of 2022

K.Jayanthi

... Petitioner/Petitioner

Vs.

A.Ganesh Babu

... Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the case in M.C.No.24 of 2017 on the file of the Family Court, Trichirappalli and to transfer the said case to the file of the Family Court, Vellore District.

For petitioner : Mr.C.Vakeeswaran

For Respondent : Mr.S.Ramakrishnan

ORDER

This petition has been filed seeking to withdraw the case in M.C.No.24 of 2017 on the file of the Family Court, Trichirappalli and to transfer the said case to the file of the Family Court, Vellore District.



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2.The case of the petitioner is that the petitioner is the wife of the respondent/husband. The marriage was solemnized between the petitioner and the respondent on 21.08.2006. Thereafter, there was a matrimonial dispute, for which, the respondent/husband filed a divorce petition before the Family Court Trichy, in H.M.O.P.No.170 of 2016 and subsequently, the petitioner also filed a maintenance case in M.C.No.24 of 2017 before the Family Court, Trichy. However, the petitioner filed a transfer petition before this Court in Tr.C.M.P.(MD)No.336 of 2018 and this Court vide its order dated 11.10.2018, transferred the H.M.O.P.No. 170 of 2016 from Trichy Family Court to Sub Court, Vaniyampadi and the same was renumbered as H.M.O.P.No.21 of 2019 and the same is pending for adjudication. In the meantime, the petitioner filed DVC No. 30 of 2017 before the Additional Mahila Court, Trichy and thereafter, due to her financial constrains and difficulty to travel from Vellore to Trichy, she filed a transfer petition in Crl.O.P.(MD)No.16024 of 2019 before this Court and the same was allowed on 03.02.2022 by transferring the said case to the learned Judicial Magistrate, Vaniyampadi, Vellore District. The further case of the petitioner is that she has filed the present petition on the ground that she is having difficulty to travel from Vellore to Trichy, which is more than 300 kms and in fact, both HMOP and DVC



cases are pending before the Sub Court, Vaniyampadi as well as the Judicial Magistrate Court, Vaniyampadi.

3.The learned counsel for the petitioner would submit that this Court may issue a direction to transfer the case in M.C.No.24 of 2017 from the file of the Family Court, Trichirappalli to the file of the learned Judicial Magistrate, Vaniyampadi and also issue a direction to the trial Court to conclude the trial within a reasonable time as fixed by this Court.

4.The learned counsel for the respondent has no serious objection to transfer the case in M.C.No.24 of 2017 from the file of the Family Court, Trichirappalli to the file of the learned Judicial Magistrate, Vaniyampadi.

5.In view of the above, the Criminal Original Petition is allowed and the case in M.C.No.24 of 2017 is withdrawn from the file of the Family Court, Trichirappalli and transferred to the file of the learned Judicial Magistrate, Vaniyampadi. The learned Judge, Family Court, Trichirappalli, is directed to transmit the entire case records to the Judicial Magistrate, Vaniyampadi. The learned Judicial Magistrate,



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Vaniyampadi, is directed to conclude the trial and dispose of the case within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

20.02.2024

Index : Yes/No
Internet : Yes/No
SJI
To

- 1.The Family Court, Trichirappalli
- 2.The Judicial Magistrate, Vaniyampadi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

SJI

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