



Crl.O.P.(MD)No.21951 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.21951 of 2022

and

Crl.M.P.(MD)No.15478 of 2022

Selvaveni

... Petitioner/Respondent

Vs.

1.Kumar

2.Minor Aathi Guhan

3.Minor Aathi Sudhan

[Minors 2 and 3 are represented by their
father and guardian 1st respondent]

... Respondent/Petitioner

PRAYER:- Petition filed under Section 482 of Cr.P.C., to withdraw the case in M.C.No.1 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Nanguneri and transfer the same Family Court or any other Court in Chennai.

For Petitioner : Mr.A.Mohamed Hashim

For Respondents : M/s.Anusha
for Mr.R.Karunanidhi



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ORDER

The Criminal Original Petition has been filed to withdraw the case in M.C.No.1 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Nanguneri and transfer the same to Family Court or any other Court in Chennai.

2.The case of the petitioner is that the petitioner is the wife and the respondents 2 and 3 are sons of the first respondent. The marriage between the first respondent and the petitioner was solemnized on 13.01.2013 as per the Hindu Rites and Customs at Narayanaswamy Temple, Thalapathisamudram. Out of the wedlock, they were blessed with two male children born on 11.03.2024. Thereafter, the petitioner got an appointment in the Police Department as a Constable and at present, the petitioner is working as a Guard in Saidapet Court. While so, the first respondent/husband developed an inferiority complex as against the petitioner, retained the children and filed a divorce petition before the Subordinate Court, Nanguneri in H.M.O.P.No.2 of 2022 and subsequently, he filed a maintenance case for the respondents 2 and 3 in M.C.No.1 of 2022 before the learned District Munsif cum Judicial Magistrate Court, Nanguneri. For transfer of the maintenance case, the present petition is filed.



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3.The learned counsel for the petitioner would submit that the petitioner is employed in uniformed service in Saidapet Court and she is unable to travel long distances from Chennai to Nanguneri and accordingly, he prayed for transferring the case in M.C.No.1 of 2022 from the file of the learned District Munsif cum Judicial Magistrate, Nanguneri to the Family Court or any other Court in Chennai.

4.The learned counsel for the respondents would submit that the petitioner abandoned the respondents 2 and 3 and now the first respondent is taking care of the respondents 2 and 3 with much difficulties and hence, it is difficult for him to travel from Nanguneri to Chennai.

5.Considering the submissions made on both sides and the facts that there is a matrimonial dispute between the petitioner and the first respondent and when the first respondent retained the respondents 2 and 3/children with him and thereafter, filed H.M.O.P.No.2 of 2022 before the Subordinate Court, for transferring the case in M.C.No.1 of 2022 from the file of the learned District Munsif cum Judicial Magistrate Court, Nanguneri, the present petition is filed and since the petitioner is employed in uniformed service as Guard, it is difficult



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for her to travel from Chennai to Nanguneri, this Court is inclined to transfer the case in M.C.No.1 of 2022 from the file of the learned District Munsif cum Judicial Magistrate Court, Nanguneri to Family Court, Chennai.

6. Accordingly, the Criminal Original Petition is allowed and the case in M.C.No.1 of 2022 is withdrawn from the file of the learned District Munsif cum Judicial Magistrate, Nanguneri and transferred to the file of the Family Court, Chennai. The learned District Munsif cum Judicial Magistrate, Nanguneri, is directed to transmit the entire case records to the Family Court, Chennai. The learned Family Judge, Chennai, 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.

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

04.03.2024

To

1. The District Munsif cum Judicial Magistrate, Nanguneri.
2. The Family Court, Chennai.



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M.DHANDAPANI, J.

Sji

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