



Criminal Original Petition No.2224 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Criminal Original Petition No.2224 of 2025

and

CrI.M.P.No.1395 of 2025

D.Priyadharshini

Petitioner

Vs

H.Gopalasubramanian

Respondent

Criminal Original Petition filed under Section 447 of BNSS Act, 2023, praying to withdraw and transfer the proceedings in M.C.No.6/2024 pending on the file of the Judicial Magistrate, Sriperumbudur, to any of the Family Courts at Chennai.

For Petitioner : Ms.Revathi G.Mohan

For Respondent : Ms.Rohini Ravikumar

ORDER

This Criminal Original Petition has been filed to withdraw and transfer the proceedings in M.C.No.6/2024 pending on the file of the Judicial Magistrate, Sriperumbudur, to any of the Family Courts at Chennai.



2. The case of the petitioner is that the petitioner is the legally

wedded wife of the respondent and their marriage was solemnized on 18.04.2008 at EM EL EM Kalyana Mandapam, Mahalingapuram, Chennai. Out of wedlock, two sons were born to them, and they are minors. Due to some misunderstanding, they got separated and the petitioner came out of the matrimonial home. However, on account of financial distress, the petitioner could not maintain herself and her children and hence, the petitioner filed maintenance case in M.C.No.6 of 2024 before the Judicial Magistrate, Sriperumbudur and the same is pending. The main grievance of the petitioner is that the respondent is deliberately avoiding in attending the Court to conduct the maintenance case initiated by the petitioner. Hence, the petitioner filed the present petition to transfer the proceedings in M.C.No.6 of 2024, pending on the file of the Judicial Magistrate, Sriperumbudur to any of the Family Courts, Chennai.

3. The learned counsel appearing for the respondent submitted that the respondent has filed a divorce petition in O.P.No.5327 of 2023 pending on the file of II Additional Family Court, Chennai. That apart, the respondent also instituted a suit in O.S.No.7203 of 2023 as against



the petitioner and her father and the same is pending before III Additional City Civil Court, Chennai, seeking damages.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and the fact remains that the proceedings initiated by the respondent are pending in the Courts at Chennai, this Court is of the view that there is substance in the claim made by the petitioner and also it would be appropriate to transfer the maintenance case in M.C.No.6 of 2024 filed by the petitioner to the Courts in Chennai. Accordingly, the proceedings in M.C.No.6 of 2024 is hereby withdrawn from the file of the Judicial Magistrate, Sriperumbudur and transferred the same to the file of II Magistrate Family Court, Chennai. The II Magistrate Family Court, Chennai is directed to dispose of the maintenance case filed by the petitioner, within a period of six (6) months from the date of receipt of the entire bundle.



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6. Accordingly, this Criminal Original Petition is allowed.

Connected Miscellaneous Petition is closed.

26.02.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
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To

1. II Magistrate Family Court,
Chennai.
2. The Judicial Magistrate, Sriperumbudur.
3. The Public Prosecutor,
High Court, Chennai.



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G.K.ILANTHIRAIYAN, J

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