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Crl.O.P.No.12421 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.12421 of 2025
and Crl.M.P.No.8261 of 2025

Mehatab

... Petitioner

Versus

K.Saleem Basha

... Respondent

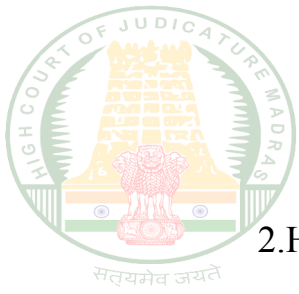
PRAYER: Criminal Original Petition filed under Section 407 of Code of Criminal Procedure, to withdraw and transfer M.C.No.2 of 2023 pending on the file of the Judicial Magistrate No.I at Coimbatore to any other Court in Krishnagiri.

For Petitioner : M/s.Jessy Monica

For Respondents : No appearance

ORDER

This Petition has been filed to withdraw and transfer the case of M.C.No.2 of 2023 pending on the file of the learned Judicial Magistrate No.1 at Coimbatore to any other Court at Krishnagiri.

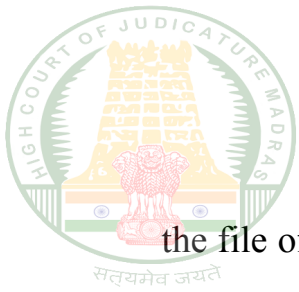


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2. Heard the learned counsel for the petitioner and perused the materials available on record. Though the notice was served on the respondent and his name printed in the cause list, there is no representation on behalf of the respondent.

3. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent got married in the year 2017 according to their rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed O.S.No.39 of 2022 on the file of the learned Family Judge, Coimbatore against the petitioner seeking divorce. Thereafter, the petitioner has filed petition in MC.No.2 of 2023 seeking maintenance on the file of the learned Judicial Magistrate No.I, Coimbatore. Initially, the petitioner sought for transfer of maintenance case before this Court in Crl.O.P.No.18910 of 2024 which was dismissed by this Court vide Order dated 06.08.2024, however, the divorce proceedings in O.S.No.39 of 2022 pending on the file of the learned Principal Family Court at Coimbatore was withdrawn and transferred to file of the Family Court at Krishnagiri. Since, there is a change in circumstance and requirement to transfer the MC.No.2 of 2023, now, the petitioner herein who is the wife has preferred the present petition to withdraw M.C.No.2 of 2023 pending on



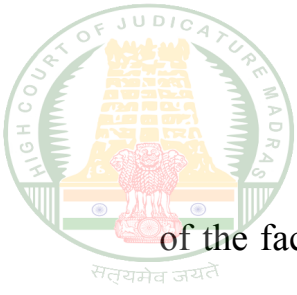
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the file of the learned Judicial Magistrate No.I at Coimbatore to any other Court at

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4. The petitioner has stated that now she is residing with her aged parents along with her male child and it is very difficult for her to travel from Krishnagiri to Coimbatore, for attending the Court proceedings at Coimbatore.

5.The Cardinal principle for exercise of power under Section 407 of CrPC is that the general convenience of the parties or witnesses, or is expedient for the ends of justice should demand the transfer of case, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer. In view of the above and also



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of the fact that the husband's divorce petition is also transferred from Coimbatore to Krishnagiri, I feel that the prayer of the petitioner should be considered favourably.

6. Accordingly, this petition is allowed. The petition in M.C.No.2 of 2023 filed by the petitioner is ordered to be withdrawn from the file of learned Judicial Magistrate No.1 at Coimbatore and transferred to the file of learned Judicial Magistrate No.I, Krishnagiri. The learned Judicial Magistrate No.1 at Coimbatore is directed to transmit all the records pertaining to M.C.No.2 of 2023 to the file of the learned Judicial Magistrate No.1, Krishnagiri within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

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Index : Yes

Internet : Yes



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1. The Judicial Magistrate No.I at Coimbatore
2. The Judicial Magistrate No.I at Krishnagiri



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N.SATHISH KUMAR, J.

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