



*CrI.O.P.No.8440 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.8440 of 2025

and

CrI.M.P.No.5541 of 2025

Sai Siddarth

... Petitioner

Vs.

Sri Devibala

... Respondent

**PRAYER:** This Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdrawn and transfer M.C.No.5 of 2025, pending on the file of the Chief Judicial Magistrate Court-Kanchipuram to the Family Court, Chengalpattu.

For Petitioner : Mr.S.Murali Krishnan

**ORDER**

This Criminal Original Petition has been filed by the petitioner/respondent, seeking to withdraw the petition in M.C.No.5 of 2025, on the file of the Chief Judicial Magistrate Court-Kanchipuram and to transfer the same to the file of the Family Court, Chengalpattu.

2. The petitioner is the husband of the respondent. They got married and thereafter due to misunderstanding they started living separately. The respondent/wife is now staying in her parental home and therefore, she



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could not be able to maintain herself and filed a petition for maintenance in M.C.No.5 of 2025 on the file of the learned Chief Judicial Magistrate, Kanchipuram.

3. At the same time, the petitioner/husband also filed a petition seeking divorce on the ground of cruelty as against the respondent/wife in F.C.O.P.No.42 of 2025 on the file of the Family Court, Chengalpattu and the same is pending.

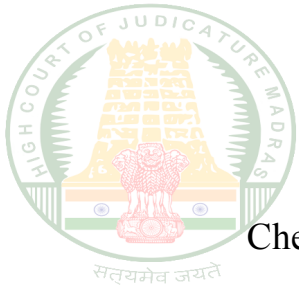
4. The only ground raised by the petitioner/husband is that when the Family Court posted the matter for hearing, the maintenance case is also posted on the very same day and therefore the petitioner/husband cannot be able to attend the hearing of the maintenance case. It is not the ground to transfer the maintenance case filed by the petitioner/husband. Since the respondent/wife has filed a maintenance case within the jurisdiction of her residence. In view of the above, this Criminal Original Petition is dismissed.

5. However, the learned Chief Judicial Magistrate Court, Kanchipuram is directed not to post the maintenance case on the date on which F.C.O.P.No.42 of 2025 for divorce filed by the petitioner/husband is posted by the Family Court.

**21.03.2025**

Vv  
To

1. The Chief Judicial Magistrate Court, Kanchipuram
2. The Public Prosecutor,  
High Court of Madras,



Chennai.

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**G.K.ILANTHIRAIYAN, J.**

**Vv**

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