



Crl.O.P.No.8857 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM:

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

Crl.O.P.No.8857 of 2023
and Crl.M.P.No.5700 of 2023

P.Thiyagu @ Thiyagarajan

... Petitioner

Vs

1. Julie @ Kavitha

2. Nandhitha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 407 of CrI.P.C, to withdraw the petition in CrI.M.P.No.174 of 2022 in MC.No.42 of 2014 pending on the Family Court, Dharmapuri and to transfer the same to Family Court at Salem.

For Petitioner : Mr.M.Lokesh

For Respondents : Mr.Chinnasamy

ORDER

This petition has been filed to withdraw the petition in CrI.M.P.No.174 of 2022 in MC.No.42 of 2014 pending on the file of the Family Court, Dharmapuri and to transfer the same to the Family Court at Salem.

2. Heard both sides and perused the materials placed on record.



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3. The petitioner is the husband of the first respondent herein. They got married and gave birth to the second respondent. While being so, they got separated due to misunderstanding and as such, the respondents were not able to maintain themselves. Therefore, they filed a maintenance case in F.C.M.C No.42 of 2014, on the file of the Family Court, Dharmapuri. It was allowed and directed the petitioner to pay a sum of Rs.5000/- in favour of the first respondent and Rs.3000/- in favour of the second respondent as monthly maintenance. That apart, the petitioner was also directed to pay a sum of Rs.50,000/- for the rent and other educational expenses. Aggrieved by the same, the petitioner preferred revision in Crl.R.C.No.925 of 2016 and the same was modified to the extent that the petitioner shall pay monthly maintenance of Rs.5000/- in favour of the first respondent and Rs.2000/- in favour of the second respondent. After a period of six years, once again, the petitioner filed an application in Crl.M.P.No.174 of 2022 to modify the order passed in F.C.M.C No.42 of 2014.

4. Once the Revisional Court confirmed the order passed by the Trial Court with slight modification, the modification petition itself is not maintainable and it cannot be considered since the order passed by the Trial



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Court has been already confirmed by the revisional Court with slight modification. That apart, the petitioner failed to make any ground to transfer this case.

5. Therefore, this Court is not inclined to transfer the petition in Crl.M.P.No.174 of 2022 in MC.No.42 of 2014 on the file of the Family Court, Dharmapuri to the Family Court at Salem. However, the Family Court, Dharapuram is directed to dispose of the application filed by the petitioner, in Crl.M.P.No.174 of 2022 in MC.No.42 of 2014, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed.

05.03.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Family Court, Dharapuram.
2. The Public Prosecutor,
High Court, Madras.

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