



Crl.O.P.No.16820 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

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

Crl.O.P.No.16820 of 2023
and Crl.M.P.Nos.10823 and 10824 of 2023

Alan Avinash

... Petitioner

Vs

Shruthi

... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, to direct withdrawal of M.C.No.17 of 2023 on the file of Judicial Magistrate Court at Paramakudi and transfer the same to Family Court at Chennai.

For Petitioner : Mr.P.K.Srinivasan

For Respondent : Mr.G.Ashok Kumar

ORDER

This petition has been filed to withdraw the case in M.C.No.17 of 2023 on the file of Judicial Magistrate Court at Paramakudi and transfer the same to Family Court at Chennai.

2. Heard the learned counsel on either side and perused the materials placed on record.



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3. The petitioner is the husband of the respondent. They got married on 03.06.2022. Thereafter, they got separated and the respondent could not able to maintain herself. Therefore, the respondent filed a petition seeking maintenance in M.C.No.17 of 2023 on the file of Judicial Magistrate Court at Paramakudi. Now, the petitioner sought for transfer of the said maintenance case to the file of the Family Court, Chennai.

4. The petitioner, being the husband of the respondent, is duty bound to maintain his wife and he cannot seek for transfer of Court according to his whims and fancies. The respondent is residing within the jurisdiction of Paramakudi and filed a petition seeking maintenance on the file of the Judicial Magistrate Court at Paramakudi. Therefore, the petitioner failed to make out a case for transfer of M.C.No.17 of 2023 on the file of Judicial Magistrate Court at Paramakudi to the Family Court at Chennai.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petitions are closed.

12.02.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

mn



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To

1. The Judicial Magistrate Court at Paramakudi
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

mn

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