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Crl.O.P.No.18415 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.18415 of 2025

and

Crl.M.P.No.12205 of 2025

Winny Davis

... Petitioner

Vs.

1. Jane Sherlyn
2. Minor Abriella Rose
Represented by her mother
Jane Sherlyn

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to withdraw the maintenance case in M.C.No.22 of 2024 pending on the file of the Judicial Magistrate, Ambattur and transfer the same to the file of the VI Additional Family Court, Chennai.

For Petitioner : Mr.Hari Prashanth



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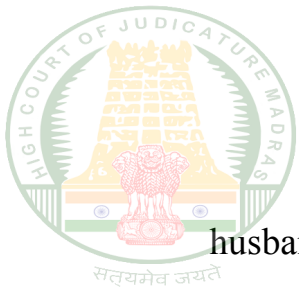
ORDER

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The Criminal Original Petition is filed seeking a direction to withdraw the maintenance case in M.C.No.22 of 2024 pending on the file of the Judicial Magistrate, Ambattur and transfer the same to the file of the VI Additional Family Court, Chennai.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. It is seen that petitioner herein is the husband and respondents herein are his wife and minor daughter. The first respondent-wife filed O.P.No.5078 of 2022 before the VI Additional Principal Family Court, Chennai, for dissolution of marriage. The petitioner-husband filed O.P.No.539 of 2023 before the VI Additional Principal Family Court, Chennai, for restitution of conjugal rights. Now proceedings in both the original petitions are pending before the VI Additional Principal Family Court, Chennai. During the pendency of the said proceedings, the first respondent-wife filed a maintenance case in M.C.No.22 of 2024 before the Judicial Magistrate, Ambattur. The grievance of the petitioner-



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husband is that he is working in a private firm and he is supporting his aged parents. All the cases arise from the same cause of action, whereas the proceedings are pending in two different Courts. If cases are conducted at two different Courts of different jurisdiction, it will cause severe inconvenience and loss and hardship to the petitioner-husband and hence, he prays to transfer the maintenance case pending before the Judicial Magistrate Court, Ambattur to the file of the VI Additional Family Court, Chennai.

4. The scope and object of maintenance cases are very limited, which are summary in nature and the said cases need not undergo the ordeal of elaborate trial. As per the directions of the Hon'ble Apex Court in the case of ***Rajnesh vs. Neha and another*** reported in **2021 (2) SCC 324**, the maintenance cases have to be decided based on the Affidavit of Assets and Liabilities of the parties and maintenance cases have to be disposed of within a prescribed time frame i.e., within a period of three months. The Family Courts are already over-burdened to dispose of the main original petitions, if maintenance cases are clubbed with the main



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original petitions and the purpose of Section 125 of Cr.P.C. would be defeated. Therefore, this Court is not inclined to entertain this petition.

5. Accordingly, the present Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

6. The learned Judicial Magistrate, Ambattur, is hereby directed to dispose of the case in M.C.No.22 of 2022 within a period of three months from the date of receipt of a copy of this order. Both the parties are directed to extend their fullest co-operation for speedy disposal of the case.

03.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Judicial Magistrate,
Ambattur.
2. The VI Additional Principal Family Judge,
VI Additional Family Court,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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