



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 21454 of 2025

and

Crl.M.P.No.14714 of 2025

K.Harikrishnan
S/o.late Kalasthri Naicker

Petitioner(s)

Vs

1. G.Sumathy
D/o. Ganapathy,

2.Stella
D/o. K.Harikrishnan,

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 447 of BNSS to transfer Crl.MP.No.80/2025 in MC.NO.287/2006 on the file of the III Additional Family Court , Chennai to the file of Family Court in other District.

For Petitioner(s): K.P.C.Mogan

For Respondent(s): M/s. R.Krishnamurthy

**ORDER**

WEB COPY This Criminal Original Petition has been filed for transfer of Crl.M.P.No.80 of 2025 on the file of the III Additional Family Court, Chennai to any other Family Court in another District.

2. The Trial Court in M.C.No.287 of 2006 ordered maintenance vide Judgment dated 08.11.2019, which was confirmed by this Court in Crl.R.C.No.180 of 2020 dated 18.08.2020 and also confirmed by the Hon'ble Supreme Court of India in SLP (Crl.) No.2163 and 2164 of 2021 dated 23.03.2021. Originally, the Trial Court ordered to pay the monthly maintenance of Rs.5000/- to the first respondent and Rs.2000/- to the second respondent, which was later enhanced by the order of this Court in MP.No.72 of 2021 in MC No.287 of 2006, dated 22.11.2021, from 5000/- to 8000/- to the first respondent and from Rs.2000/- to Rs.4000/- .

3. The petitioner retired from service during October 2024. Since the maintenance amount has not been paid to the respondents from the month of September 2024, they filed a petition under Section 147 of BNSS for



enforcement of maintenance order, in which Non Bailable Warrant was issued against the petitioner.

WEB COPY

4. The grievance of the petitioner is that he had also filed a petition in M.P.No.176 of 2025 for withdrawal of his gratuity amount of Rs.6,40,200/-. In spite of his regular appearance, the learned Judge, III Additional Principal Family Court, Chennai, passed an ex parte order in Crl.M..P.No.80 of 2025 and issued a Non-Bailable warrant against the petitioner without following due process of law. Hence, he apprehends that the case will not be decided in a fair manner.

5. Heard Mr.R. Krishnamurthy, learned counsel appearing for the respondents 1 and 2 and perused the materials available on records carefully.

6. At the outset, this Court is of the view that this petition is nothing but abuse of process of law. Once an order has been passed to pay the maintenance, the same has to be complied with. By filing this transfer petition, the petitioner is attempting to evade compliance with the orders of the Trial Court. Hence, I do not find any merit in this petition.



WEB COPY

CRL OP No. 21454 of 2025



N.SATHISH KUMAR J.

mrp

7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

CRL OP No. 21454 of 2025