



Crl.O.P.No.21316 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

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

Crl.O.P.No.21316 of 2023
and Crl.M.P.Nos.14701 and 14702 of 2023

G.Gobi @ Gopi

... Petitioner

Vs

T.Muthulakshmi

... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, to withdraw the case in MC.16/2023 pending on the file of the Learned Judicial Magistrate Court, Katpadi, Vellore and Transfer the Same to the Learned Judicial Magistrate Court, Tindivanam.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr.V.Ashok Kumar

ORDER

This petition has been filed to withdraw the case in MC.16 of 2023 pending on the file of the Judicial Magistrate Court, Katpadi, Vellore and transfer the same to the Judicial Magistrate Court, Tindivanam.



CrI.O.P.No.21316 of 2023

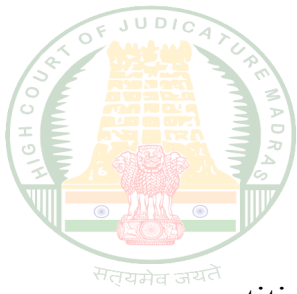
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2. Heard the learned counsel on either side and perused the materials placed on record.

3. The petitioner is the husband of the respondent herein. They got married on 27.11.2011 and gave birth to two children. Thereafter, they got separated due to misunderstanding. The respondent is residing at Gudiyatham, Vellore district. Therefore, the respondent is unable to maintain herself and filed a petition seeking maintenance in M.C.No.16 of 2023.

4. The learned counsel for the petitioner would submit that the two children are living with the petitioner. He is also a school Teacher and as such, he was unable to appear before the Trial Court during the Trial.

5. The learned counsel for the respondent would submit that the respondent has no means to travel to Tindivanam, since she is struggling to meet even for her day-to-day expenses. Further, the



Crl.O.P.No.21316 of 2023

WEB COPY

petitioner, being the husband of the respondent is duty bound to maintain his wife even after divorce. That apart, the petitioner cannot choose the place of trial according to his wishes.

6. In view of the above, this Court finds no reason to transfer the maintenance case in MC.16 of 2023 pending on the file of the Learned Judicial Magistrate Court, Katpadi, Vellore. However, the presence of the petitioner before the Trial Court is dispensed with. The Trial Court is directed to dispose of the trial in MC.16 of 2023, within a period of twelve weeks from the date of receipt of a copy of this order.

7. 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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Crl.O.P.No.21316 of 2023

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Judicial Magistrate Court,
Katpadi, Vellore.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.21316 of 2023

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