



CrI.O.P.(MD)No.4658 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.4658 of 2024

and

CrI.M.P(MD) No.3634 of 2024

M.Balakrishnan

.. Petitioner

Vs.

M.Amutha

.. Respondent

PRAYER : Criminal Original Petition filed under Section 407 of Cr.P.C.,to withdraw the M.C No.07 of 2023 from the District Munsif cum Judicial Magistrate Court at Peraiyur to any one of the competent court at Chennai.

For Petitioner : Mr.V.Duraipandi

For Respondent : Mr.R.GowriShankar



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ORDER

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This Criminal Original Petition has been filed to withdraw the M.C No.07 of 2023 from the District Munsif cum Judicial Magistrate Court at Peraiyur to any one of the competent court at Chennai.

2. The learned counsel appearing for the petitioner would submit that the petitioner and the respondent got married on 19.09.2019 at Koodal Alagar Perumal Temple, Madurai and this is the second marriage to both of them. The marriage is the arranged marriage. The petitioner has got two childrens through his first wife. The petitioner is a differently abled person having 50% disability and residing at Sembakkam, Chennai and working at Taramani, Chennai. The respondent has filed M.C. NO.7 of 2023 before the District Munsif cum Judicial Magistrate Court, Peraiyur, Madurai seeking maintenance making some allegations against the petitioner. Further on 09.02.2024 the petitioner went to Peraiyur Court to attend the court proceedings and while he was at T.Kallupatti two unidentified persons threatened him that they would kill him if attend the court proceedings regularly, thereafter he made a emergency call to 100 and the local police came there and escorted him, hence his life was saved. The respondent never allowed the children to go to school. Further she has



taken 20 sovereigns of gold jewels of his first wife and also Rs. 37,000/- and went to her mother's house. The only intention of the respondent is to extract money hence she has filed the maintenance case. He would further submit that he is a differently abled person and he is unable to travel from Chennai to Madurai for each and every hearing, hence he seeks transfer of the case from Madurai to Chennai.

3. The learned counsel appearing for the respondent would submit all the allegations levelled against the respondent are false and she is always ready to live with the petitioner. The petitioner failed to maintain the respondent and totally neglected her, hence she filed the above maintenance petition before the trial Court. If the case is transferred to Chennai then the respondent being a lady has to travel for more than 600kms, thereby the petition is liable to be dismissed.

4. This Court heard both sides and perused the materials available on record.

5. On perusal of the records it is seen that there is a family dispute between the husband and wife. Both the petitioner and the respondent



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made allegations against each other. The petitioner is residing in Chennai and the respondent is residing at Peraiyur. Therefore the petitioner filed a petition to transfer the case from District Munsif cum Judicial Magistrate, Court, Peraiyur to any of the Court in Chennai. The main ground raised by the petitioner is that he is differently abled person and not able to travel long distance and also he received life threat in Peraiyur. Inorder to prove the said fact there is no document produced by the petitioner and not even lodged any complaint to that regard. Therefore there are no grounds to transfer the case and there is no merits in the petition and it is liable to be dismissed.

6. At this juncture the learned counsel appearing for the petitioner submitted that personal appearance of the petitioner before the trial Court may be dispensed with.

7. Considering the nature of the case, physical condition of the petitioner and also the facts and circumstances of the case it is appropriate to accept the request of the petitioner. Accordingly the personal appearance of the petitioner before the trial Court is dispensed with and the trial Court is at liberty to take appropriate steps for the appearance of



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the petitioner as and when required for further proceedings of this case.

Consequently connected miscellaneous petition stands closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

The District Munsif cum Judicial Magistrate, Peraiyur



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P.DHANABAL,J.

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