

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.18688 & 18690 of 2015
and
M.P.Nos.1 & 1 of 2015

1.K.Ragupathi

2.R.Sumathi

...Petitioners in both Crl.OPs.

Vs

1. The State of Tamil Nadu

Rep. by the Sub-Inspector of Police,
West Police Station, Villupuram,
Villupuram District.

...1st Respondent in both Crl.OPs.

2. A.Sithanantham

...2nd Respdt in Crl.OP.18688/2015

3.S.Rajasekar

...2nd Respdt in Crl.OP.18690/2015

Common Prayer:- Criminal Original Petitions are filed under Section 407 Cr.P.C., praying to transfer the case in C.C.No.6 of 2014 (in Crl.OP.18688 of 2015) and C.C.No.4 of 2014 (in Crl.OP.No.18690 of 2015) respectively on the file of Judicial Magistrate No.1, Villupuram to any other competent Court of equal jurisdiction subordinate to this Hon'ble Court.

For Petitioners : Mr.J.Selvarajan (in both Crl.OPs.)

For Respondents : Mr.C.Emalias [for R1 in both Crl.OPs]
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed praying to transfer the case in C.C.No.6 of 2014 (in Crl.OP.18688 of 2015) and C.C.No.4 of 2014 (in Crl.OP.No.18690 of 2015) respectively on the file of Judicial Magistrate No.1, Villupuram to any other competent Court.

2. Heard Mr.J.Selvarajan the learned counsel appearing for the petitioners and Mr.C.Emalias the learned Additional Public

Prosecutor appearing for the first respondent and perused the materials placed on record.

3. The petitioners are accused in this case. It is the case of the petitioners that on the complaint lodged by the defacto-complainant, Police have registered two cases against them, which are false cases and after completing the investigation, filed two final reports viz., C.C.No.4 of 2014 and C.C.No.6 of 2014, before the learned Judicial Magistrate No.I, Villupuram.

4. On the complaint given by these petitioners against the opposite party, the case in Crime No.500 of 2013 was registered by the Police and closure report was filed before the learned Judicial Magistrate No.I, Villupuram.

5. The learned counsel appearing for the petitioners submits that the petitioners have filed a protest application in Crime No.500 of 2013 before the learned Judicial Magistrate No.I, Villupuram and strangely the Judicial Magistrate No.I, Villupuram is not passing any orders thereon and therefore the petitioners are seeking for a transfer of C.C.No.4 of 2014 and C.C.No.6 of 2014 to some other Court.

6. In the considered opinion of this Court, transfer cannot be effected on these grounds, in violation of Section 177 and 178 Code of Criminal Procedure.

7. As regards the grievance of the petitioners that the learned Judicial Magistrate is not passing any orders on the protest application in Crime No.500 of 2013, in respect of which, the petitioners have filed CrI.OP.No.18689 of 2015, this Court would address this issue by calling for a report from the learned Judicial Magistrate No.I, Villupuram, as to why he is not passing any orders.

8. In view of the above, the request for transfer cannot be considered and therefore CrI.OP.No.18688 and CrI.OP.18690 of 2015 are dismissed as devoid of merits. Consequently, connected miscellaneous petitions are also dismissed.

WEB COPY

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

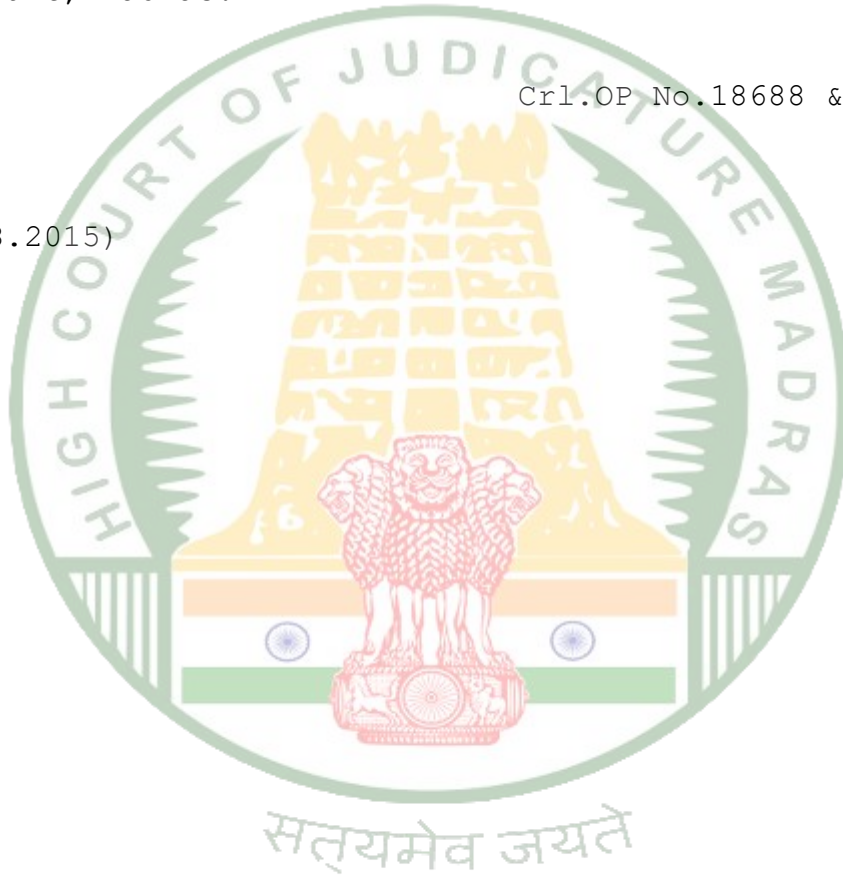
ds

To

1. The Judicial Magistrate No.I,
Villupuram.
2. The Sub-Inspector of Police,
West Police Station, Villupuram,
Villupuram District.
3. The Public Prosecutor
High Court, Madras.

Crl.OP No.18688 & 18690 of 2015

VGI (CO)
PSI (20.08.2015)



WEB COPY