

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28820 of 2015

& M.P.No.1 of 2015

V.E.Maya

... Petitioner

Vs

1. The Inspector
All Women Police Station,
Pollachi West,
Pollachi Town, Coimbatore Dt.

2. K.S.Vetrivel

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. for a direction to withdraw the case in C.C.No.68 of 2010 on the file of the Judicial Magistrate Court No.I, Pollachi and transfer the same to any other Judicial Magistrate Court, Erode.

For Petitioner : Mr.V.S.Kesavan

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed for a direction to withdraw the case in C.C.No.68 of 2010 on the file of the Judicial Magistrate Court No.I, Pollachi and transfer the same to any other Judicial Magistrate Court, Erode.

2. The petitioner lodged a complaint as against the second respondent for the offence committed under sections 498 A, 506 (i) IPC and Section 4 of Dowry Prohibition Act. The complaint given by the petitioner was registered in Crime No.16/2009 and after investigation, the case was taken up on file in C.C.No.68 of 2010 by the Judicial Magistrate I, Pollachi. The parents and sister of the 2nd respondent who were added as accused Nos. 2 to

4 in the case case in C.C.No.68 of 2010 filed a quash petition before this Court and the same was allowed on 3.3.2014 and accordingly, the proceedings against them were quashed. Now, the case is pending as against the 2nd respondent, who is the husband of the petitioner. The present petition has been filed to transfer the case form the file of Judicial Magistrate Court, Pollachi to any other Judicial Magistrate Court at Erode.

3. It is the case of the petitioner that the 2nd respondent and his family members are very influential persons at Pollachi and they are having money and muscle power and they can overpower the 1st respondent police and they can also make them to act to their whims and fancies. Moreover, the petitioner has to travel for more than 130 km from Erode to Pollachi and there is no security to her life in their hands if she attends trial at Pollachi. Hence, the present petition.

4. Heard the submission of the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

5. The reason assigned by the petitioner for transfer of the case will not serve as a valid ground for transfer. This Court is of the considered opinion that the petitioner has given a bald and vague statement. The statement made by the petitioner in the petition is not supported by any material evidence. The main apprehension of the petitioner is that if she attends trial at Pollachi, there will not be any security to her life.

6. Learned Additional Public Prosecutor submitted that if the petitioner approaches the Deputy Superintendent of Police, Pollachi, adequate police protection will be given on the dates of adducing evidence before Court by the petitioner.

7. In view of the submission made by the learned Additional Public Prosecutor, the petitioner is directed to approach the Deputy Superintendent of Police, Pollachi, to give adequate police protection on the dates of adducing evidence before the Court by her. Therefore, there is no need to transfer the case from the file of the Judicial Magistrate, Pollachi to any other Court.

8. With the above direction, the criminal original petition is disposed of . Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Inspector
All Women Police Station,
Pollachi West,
Pollachi Town, Coimbatore Dt.
- 2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28820 of 2015
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