

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.7432 of 2017
and
Crl.MP.No.5370 of 2017

Smt.Malathi

.. Petitioner

Vs

The Sub Inspector of Police,
T-1, Ambattur Police Station,
Chennai - 600 053.

... Respondent

Petition filed under Section 407 of the Criminal Procedure Code, to transfer the proceedings of Trial in C.C.No.218 of 2013 on the file of Hon'ble Judicial Magistrate Court, Ambattur, Chennai-53 to Hon'ble Metropolitan Magistrate Court, Allikulam, Chennai -3.

For Petitioner : Mr.R.Balasubramanian

For Respondent : Mr.M.Mohamamed Riyaz,
Government Advocate (Crl-Side)

O R D E R

This Criminal Original Petition has been filed to transfer the proceedings of Trial in C.C.No.218 of 2013 on the file of Hon'ble Judicial Magistrate Court, Ambattur, Chennai-53 to Hon'ble Metropolitan Magistrate Court, Allikulam, Chennai -3.

2. It is the case of the petitioner that the petitioner filed a suit for partition against her mother, brother and sister before the Sub Court, Poonamallee, claiming share from her father's property and the same is pending. Prejudiced by it, her family members assaulted the petitioner with deadly weapons. Though message was sent to the Inspector of Police, T-1 Ambattur Police Station, he never took any action against them. Therefore, the petitioner filed a direction petition before this Court to register the complaint made against them. But there is no action taken on the other hand. The Inspector of Police

received a false and counter complaint against the petitioner from her mother and registered the same. Therefore, the petitioner sent a complaint to the higher authorities to take action against the Inspector of Police, T-1, Ambattur Police Station for his illegal act. A case was registered and no charge sheet has been filed so far .

3. It is the further case of the petitioner that she filed a Writ Petition in W.P.No.16578 of 2013 seeking to register a case against the Inspector of Police viz., Mr.George Millar on her complaint dated 07.05.2013, and case came to be registered, wherein, Charge sheet has been filed in CC No.281 of 2013 and all the witnesses turned hostile and P.W.1 admitted in his cross examination that he was not aware of the contents of the complaint. It is also the case of the petitioner that if the trial is conducted before the learned Judicial Magistrate Court, Ambattur, she will not get justice, and hence she seeks transfer of the said case.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has not raised any serious objection in transferring the case.

5. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to transfer the case in C.C.No.218 of 2013, pending on the file of Judicial Magistrate Court, Ambattur to Metropolitan Magistrate Court, Allikulam, Chennai-3.

6. Accordingly, the case in C.C.No.218 of 2013 pending on the file of Judicial Magistrate Court, Ambattur is transferred to Metropolitan Magistrate, Allikulam, Chennai-3. The learned Judicial Magistrate, Ambattur is directed to send the bundle in C.C.No.218 of 2013 to the file of Metropolitan Magistrate Court, Allikulam, Chennai-3, who shall dispose the same on merits and in accordance with law. The Criminal Original Petition is ordered accordingly. Consequently, connected Crl.MP is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate Court,
Ambattur.
2. The Metropolitan Magistrate Court,
Allikulam, Chennai
3. The Sub Inspector of Police,
T-1, Ambattur Police Station,
Chennai - 600 053.
4. The Public Prosecutor,
High Court, Chennai 104.

+1cc to Mr.R.Balasubramanian, Advocate in S.R.No.39834

CrI.O.P.No.7432 of 2017

CS/19/06/17



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