



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P(MD)No.3596 of 2017

Rajagopal

... Petitioner/Complainant

Vs.

M.Sasikumari,  
T.V.R.Girls Higher Secondary School,  
Avvai Illam,  
Adayar, Chennai-20.

...Respondent/Accused

PRAYER: Criminal Original Petition is filed under Section 407 of the Code of Criminal Procedure, to withdraw the STC case No.82 of 2006 on the file of the learned District Munsif, Theni and transfer the same to the court of the IV Metropolitan Magistrate, Chennai.

For Petitioner : Mr.C.Jeganathan for Veera Associates  
For Respondent : Mr.K.Vamanan

### **ORDER**

The petitioner has filed this petition to withdraw the STC case No.82 of 2006 on the file of the learned District Munsif, Theni and to transfer the same to the Court of IV Metropolitan Magistrate, Chennai.

2.The petitioner is the complainant and the complaint was taken on file as S.T.C.No.82 of 2006 on the file of the learned District Munsif, Theni.

3.The learned counsel for the petitioner submitted that against the respondent, the petitioner has filed a case originally in C.C.No.264 of 2004 before Judicial Magistrate, Periyakulam and the same was transferred to Judicial Magistrate, Theni and numbered in S.T.C. No.584 of 2006 and the same was again transferred to the file of the learned District Munsif, Theni and renumbered as S.T.C.No.82 of 2006. The petitioner has filed another case against the respondent's husband and the same was taken on file as S.T.C.No.273 of 2011 on the file of the Fast Track Court, Theni. However, at the instance of the respondent's husband, the same was transferred to IV Metropolitan Magistrate, Chennai, for disposal in accordance with law.

4.This order was passed at the instance of respondent's husband in Crl.O.P.No.16651 of 2011, dated 10.08.2015. It is submitted by the learned counsel for the petitioner that the cheque issued by the respondent and her husband are part of the same transaction and therefore, both cases are required to be tried simultaneously.



Since the respondent and her husband are also residing in Chennai, It would also be convenient if this case is transferred to same Court, where the case filed against the respondent's husband is pending.

5.The learned counsel for the respondent though raised some objections, latter submitted that the Court may dispose the case on merits.

6.Having regard to the facts and circumstances and the fact that the case between the petitioner and the respondent's husband is already pending before the IV Metropolitan Magistrate, Chennai and that the respondent is also residing in Chennai, this Court is inclined to allow this petition and the criminal case in STC.No.82 of 2006 is transferred from the file of the learned District Munsif, Theni to the Court of the IV Metropolitan Magistrate, Chennai.

7.This Criminal Original Petition is ordered accordingly.

Sd/-  
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif,  
Theni.

2.The IV th Metropolitan Magistrate,  
Chennai.

3.The Additional Public Prosecutor,  
Madras High Court, Madurai Bench, Madurai.

+1cc to Mr.C.JEGANATHAN Advocate, for the Petitioner in SR. NO.69962

PSD/DAS  
JS/KK/SAR.1/1.9.2017/2P-5C

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