IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **12.04.2018**

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.6190 of 2018
and
Crl.M.P.No.3098 of 2018
and Crl.M.P.No.5328 of 2018

1.Sridhar
2.Hemavathy ... Petitioners

Vs

State rep. by
The Inspector of Police,
W-30, All Women Police Station,
Poonamallee. ... Respondent

Prayer:- Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure to order transfer of P.R.C.No.6 of 2017 from the Judicial Magistrate Court, Poonamallee to Judicial Magistrate Court, Tambaram.

For Petitioners :Mr.R.Karunagaran

For Respondent :Mr.C.Raghavan
Government Advocate (Crl.Side)

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ORDER

This petition has been filed to transfer P.R.C.No.6 of 2017 from the Court of Judicial Magistrate, Poonamallee to the Court of Judicial Magistrate, Tambaram.

2.On the complaint lodged by Pavithra, the respondent police registered a case in Crime No.12 of 2013 and after completing the investigation, have filed a final report before the learned Judicial Magistrate, Poonamallee, in P.R.C.No.6 of 2017 for the offences under Sections 498A (b) of IPC and 4 of Dowry Prohibition Act, 1961 read with 34 of IPC, 313 read with 109 of IPC, 506(i) read with 109 of IPC, 342 read with 34 of IPC and 406 read with 34 of IPC read with 6(2) of the Dowry Prohibition Act, 1961, against the petitioners herein.

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3.While so, the petitioners have filed the present application to transfer the case from the file of the learned Judicial Magistrate, Poonamallee, to the learned Judicial Magistrate, Tambaram, on the ground that the cruelty has taken place only within the jurisdiction of the Judicial

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Magistrate, Tambaram.

4.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Criminal Side) appearing for the respondent.

5.Mr.R.Karunagaran, learned counsel appearing for the petitioners submitted that the police have registered an FIR in Crime No.12 of 2013 against ten accused and this Court has quashed the prosecution against all the accused in Crl.O.P.No.12345 of 2014. Challenging the said order, Pavithra approached the Hon'ble Supreme Court and the Supreme Court has sustained the order of quashment *qua* A3 to A10, but directed that there are sufficient materials as against A1 and A2 for the prosecution to proceed.

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6.Therefore, the respondent police have filed a final report only against A1 and A2. Though the act of cruelty would have occurred within the jurisdiction of Judicial Magistrate, Tamabaram, yet, the offence under Section 313 of IPC relating to miscarriage had occurred within the jurisdiction

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of the Judicial Magistrate, Poonamallee. Therefore, when several offences are committed in the course of the same transaction, the accused can be tried together by virtue of Section 223 of Cr.P.C. Therefore, the filing of final report before the learned Judicial Magistrate, Poonamallee, cannot be said to be illegal. Since the offence under Section 313 of IPC is triable by Court of Sessions and that the said offence is a major offence, vis-a-vis 498A, the filing of final report before the learned Judicial Magistrate, Poonamallee, cannot be faulted.

Hence, this Criminal Original Petition is devoid of merits and the same is dismissed. Consequently, connected Miscellaneous Petitions are closed.

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Index :Yes/No
Internet :Yes/No
Speaking order/Non speaking order
mps

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To

1.The Judicial Magistrate,
Poonamallee.

2.The Inspector of Police,
W-30, All Women Police Station,
Poonamallee.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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P.N.PRAKASH,J,

mps

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