

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2018

CORAM

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.No.10333 to 10336 of 2013
and
M.P.Nos.1, 1, 1 and 1 of 2013

V.Kanakarajan ... Petitioner/Defacto
Complainant in all Crl.O.Ps.

Vs

1. The State, represented by its
Inspector of Police,
S9-Pazhavanthangal Police Station,
Chennai-600 061.

2. Natarajan ... Respondents/Complainant,
Accused in all Crl.O.Ps.

Prayer:

Criminal Original Petitions filed under Section 482 Cr.P.C., to withdraw and transfer the aforesaid Criminal case, namely, C.C.Nos.5548, 5549, 5551 and 5550 of 2011 pending on the file of the learned IX Metropolitan Magistrate Court, Saidapet, Chennai-15, to this Court, under Section 407 of Criminal Procedure Code, in the interests of fair play, speedy and just trial and also for safeguarding the lives of the Petitioner and his family members.

For Petitioner in all
Crl.O.Ps. : Mr.V.Kanagarajan
(Party-in-person)

For Respondents in : Mr.Shunmugarajeswaran for R1
all Crl.O.Ps. Government Advocate

: Mr.M.Balaji (R2 -No Appearance)

C O M M O N O R D E R

The petitioner is the defacto complainant in C.C.Nos. 5548, 5549, 5551 and 5550 of 2011 on the file of the learned IX Metropolitan Magistrate Court, Saidapet, Chennai. He has filed the present petitions to transfer C.C.Nos.5548, 5549, 5551 and 5550 of 2011 pending on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai to this Court.

2. The Inspector of Police, S9-Pazhavanthangal Police Station, registered First Information Reports in Cr.No.1583/2005, Cr.No.68/2004 and Cr.No.1549/2005 and after conclusion of investigation filed final reports in C.C.No.5548/2011, C.C.No.5549/2011, C.C.No.5551/2011 and C.C.No.5550/2011 against the second respondent herein for the alleged offences punishable under Sections 384, 387, 448, 420, 506(ii), 294(b) and 323 IPC before the IX Metropolitan Magistrate Court, Saidapet, Chennai.

3. The learned counsel appearing for the second respondent would contend that the sole accused Natarajan in all the C.C.Nos.5548, 5549, 5551 and 5550 of 2011, is no more and therefore, nothing survives for further adjudication.

4. The learned Government Advocate (Crl.Side) would also contend that the accused is dead. However, the petitioner/defacto complainant would contend that the second respondent is absconding for several years and that the respondents have not adduced any evidence to show that the second respondent is no more.

5. At the outset, it may be observed that the petitioner prays this court to transfer the cases in C.C.No. 5548/2011, C.C.No.5549/2011, C.C.No.5551/2011 and C.C.No.5550/2011 on the file of the learned IX Metropolitan Magistrate Court, Saidapet Chennai, to this court under Sections 407(1)c(iv) of Criminal Procedure Code. A perusal of the records shows that the present petitioner had on previous occasion filed Crl.O.P.Nos.30742 to 30745 of 2007 and got these cases transferred to the file of the IX Metropolitan Magistrate, Saidapet and re-numbered as C.C.Nos.5548, 5549, 5551 and 5550 of 2011.

6. The present petitioner had also filed a petition praying this Court to provide adequate Police Protection to him and his family and this Court vide order dated 26.04.2011 directed the petitioner to make a complaint before the Police, in the event of imminent danger to his life and also directed the concerned Police to give adequate Police Protection, if, any such complaint is being made by the petitioner/defacto complainant. The entire records reveal that the petitioner has

been filing petitions one after other and when the trial in C.C.Nos.5548, 5549, 5551 and 5550 of 2011 have not been concluded these cases cannot be transferred and that too to the file of this Court. This Court is of the opinion that the prayer of the petitioner/defacto complainant itself is mis-conceived.

7. In the facts and circumstances of the present cases, this Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kkn/dna

To

1. The Inspector of Police,
S9-Pazhavanthangal Police Station,
Chennai-600 061.

2. The IX Metropolitan Magistrate,
Saidapet, Chennai-15.

+1cc to Mr.V.Kanagarajan, Party-in-person, S.R.No.55376

+1cc to Mr.M.Balaji, Advocate, S.R.No.55620

+2cc to Mr.V.Kanagarajan, Party-in-person, S.R.No.55376
(12/09/2018)

CrI.O.P.No.10333 to 10336 of 2013

and

M.P.Nos.1, 1, 1 and 1 of 2013

NMI (CO)
CS/10/09/18

WEB COPY