

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

Crl.OP No.26688 of 2017

and

Crl.MP.No.15357 of 2017

K.Indirajithu

... Petitioner

Versus

K.Kannan

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C, praying to withdraw the complaint in STC No.338 of 2016 from the learned Judicial Magistrate No.I, Pondicherry and to transfer the same to the learned Judicial Magistrate No.I, Ulunderpet or Kallakurichi.

For Petitioner : Mr.N.Manokaran

For Respondent : M/s.K.Azhagarasan

O R D E R

The prayer sought for in the present Criminal Original Petition is to withdraw the complaint in STC No.338 of 2016 on the file of the learned Judicial Magistrate No.I, Pondicherry and to transfer the same to the file of the learned Judicial Magistrate No.I, Ulunderpet or Kallakurichi.

2. The main ground on which the petitioner seeks transfer is on convenience of the parties. The incidental ground raised is that earlier a suit in O.S.No.38 of 2017 between the same parties came to be transferred to Sub Court, Ulunderpet, and as such, the respondent may not be prejudiced if such a transfer is ordered.

3. It is seen that the plaintiff in O.S.No.38 of 2017 is not the complainant in STC.No.338 of 2016. It is also seen from the averments made in the complaint in STC.No.338 of 2016, the transaction in STC.No.338 of 2016 and the plaint in O.S.No.38 of 2017 are not one and the same. In view of the same, this ground on which the petitioner seeks for transfer, cannot be sustained.

4. Insofar as the ground of convenience of the parties are concerned, in my view such transfer cannot be claimed as a matter of right. It would not be out of place to point out that

convenience of one party can be an inconvenience to the other party also.

5. In view of the same, I do not find any merits. Accordingly, the Criminal Original Petition stands dismissed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

klt

To

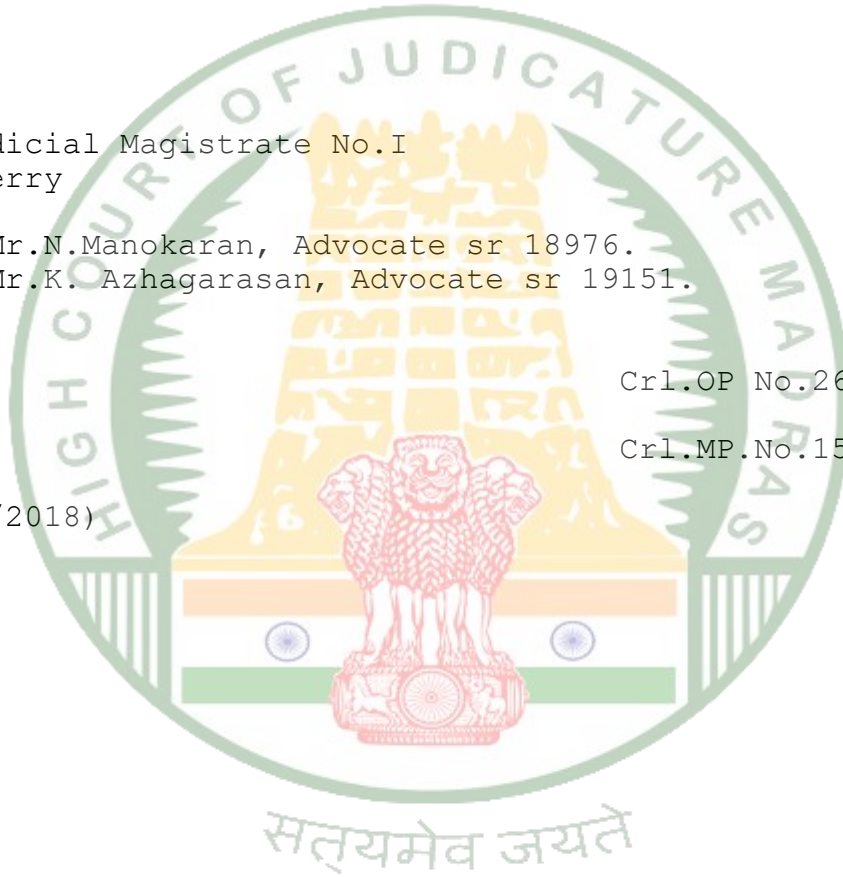
1. The Judicial Magistrate No.I
Puducherry

+1 CC to Mr.N.Manokaran, Advocate sr 18976.

+1 CC to Mr.K. Azhagarasan, Advocate sr 19151.

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GSP (21/03/2018)



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