



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.[MD].No.16346 of 2016

and

CrI.M.P(MD)Nos.7989 and 7990 of 2016

WEB COPY

Dhanalakshmi : Petitioner

Vs.

R.Brundhakrishnan : Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to withdraw the case in C.C.No.470 of 2016 from the file of the learned Judicial Magistrate, Alandur and transfer the same to the learned Judicial Magistrate, Rajapalayam.

For Petitioner : Mr.D.Ramesh Kumar

For Respondent : No Appearance

#### ORDER

This Criminal Original Petition has been filed seeking to transfer the proceedings pending in C.C.No.470 of 2016 on the file of the learned Judicial Magistrate, Alandur.

2.The respondent has been served and neither represented by a counsel nor he is present in person. Today the name of the respondent has also been printed in the cause list and no one represented for the respondent. Therefore, this Court proceeds to decide the case on merits.

3.The learned counsel for the petitioner brought to the notice of this Court two earlier complaints that were filed in C.C.No.17 of 2016 and C.C.No.25 of 2016 before the learned Judicial Magistrate, Rajapalayam. The learned counsel for the petitioner would submit that C.C.No.17 of 2016 was filed by the father of the respondent towards cheque No.000217, drawn at Karur Vysya Bank Limited, Rajapalayam Branch. The complainant in C.C.No.25 of 2016 is the brother in law of the respondent who has also filed a complaint before the learned Judicial Magistrate, Rajapalayam towards cheque No.000218 drawn at Karur Vysya Bank, Rajapalayam Branch.

4.The learned counsel for the petitioner would further submit that the respondent has filed the present complaint for dishonor of the cheque bearing No.000220 drawn at Karur Vysay Bank, Rajapalayam Branch. According to the learned counsel for the petitioner, instead of filing a complaint before the Judicial Magistrate, Rajapalayam,

the respondent has intentionally chosen to file a complaint before the learned Magistrate Magistrate, Alandur.

According to the learned counsel for the petitioner, the cheques that were issued by the petitioner as security has been misused and one complaint after another is being filed by the members of the same family. The learned counsel would make it clear that the petitioner will face the proceedings before the concerned court on merits. However, the learned counsel for the petitioner submitted that the present complaint must also be transferred to the Magistrate Court at Rajapalayam, so that all the complaints can be dealt with by the same court and it will also be convenient for the parties to attend the proceedings.

5.This Court finds force in the submissions made by the learned counsel for the petitioner. Admittedly, even in this case, the cheque in question was drawn at Karur Vysya Bank, Rajapalayam Branch and for reasons best known to the respondent, he chose to file the complaint before the learned Judicial Magistrate Court, Alandur. Since already two complaints given by the father and brother in law of the respondent, is pending before the Rajapalayam Court, it will be appropriate to transfer the present complaint also to the file of the learned Judicial Magistrate, Rajapalayam.

6.This Court is of the considered view that the case is pending before the learned Judicial Magistrate, Alandur has to be transferred to the Judicial Magistrate Court, Rajapalayam more on the ground of the general convenience of the parties and the witnesses and more particularly due to the fact that the connected cases filed by the father and brother in law is pending before the same court.

7.In the result, this Criminal Original Petition is allowed. The proceedings in C.C.No.470 of 2016 on the file of the learned Judicial Magistrate, Alandur is withdrawn and transferred to the file of the learned Judicial Magistrate Court, Rajapalayam.

8.The learned Judicial Magistrate, Alandur is directed to immediately send the case records to the Judicial Magistrate Court, Rajapalayam. The Judicial Magistrate, Rajapalayam on receipt of the case records shall complete the proceedings as expeditiously as possible within a period of six months from the date of receipt of records.

Sd/

Assistant Registrar(AD-I)

/True copy/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate No.II,  
<https://hcservices.ecourts.gov.in/hcservices/>  
 (Fast Track Court at Magistrate Level),  
 Madurai.



2.The Judicial Magistrate Court, Rajapalayam, Virudhunagar District.

3.The Judicial Magistrate, Alandur.

4.The Section Officer, Criminal Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 Copies)

+1cc to Mr.D.RAMESH KUMAR, Advocate, SR.No.91517

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