



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P. (MD) Nos.5260 to 5262 of 2019

and

CRL.M.P. (MD) Nos.3313 to 3318 of 2019

Amal Peter Paulraj

... Petitioner / Accused
in all petitions

Vs.

Murugesan

... Respondent / Complainant
in all petitions

COMMON PRAYER: Criminal Original Petitions are filed under Section 407 of the Code of Criminal Procedure, to withdraw the cheque cases in C.C.Nos.8 of 2017, 77 of 2016 and 72 of 2016 respectively on the file of the Judicial Magistrate Court, Aruppukkottai and transfer the same to any Judicial Magistrate Court at Madurai.

For Petitioner : Mr.L.Prabhu
(In all petitions)

COMMON ORDER

These petitions have been filed to withdraw the cheque cases in C.C.Nos.8 of 2017, 77 of 2016 and 72 of 2016 respectively on the file of the Judicial Magistrate Court, Aruppukkottai and transfer the same to any Judicial Magistrate Court at Madurai.

2.The case of the petitioner is that he is the accused in the aforesaid cases for non-payment of the cheque amount. The defacto complainant / respondent filed a private complaint under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate Court, Aruppukkottai. When the petitioner attended the Court hearings, the respondent herein threatened him and tried to attack the petitioner. However, the petitioner has not sustained injuries. Hence, he made a complaint before the Inspector of Police, Town Police Station, Aruppukkottai through registered post. However, the Law Enforcing Agency has not taken any action. Hence, the present petitions are filed.

3.The learned counsel for the petitioner would submit that there is a serious life threat in Aruppukkottai, the petitioner is a resident of Rajapalayam. The respondent is a resident of Aruppukkottai. Though the petitioner filed complaint before the Inspector of Police, Town Police Station, Aruppukkottai, however, the Law Enforcing Agency has not taken any action thereon. Hence, it is necessary to transfer these cases from Judicial Magistrate Court, Aruppukkottai to any Judicial Magistrate Court at Madurai.



4. On perusal of the entire records, it is seen that admittedly, the petitioner is the accused in the aforesaid cases, which were instituted by the respondent herein. Though there was a complaint filed by the petitioner against the respondent before the Inspector of Police, Town Police Station, Aruppukottai through registered post, without asking remedy against the respondent, filing these transfer petitions before this Court is unsustainable one. Hence, this Court is not inclined to transfer the aforesaid cases.

5. Accordingly, these criminal original petitions are dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate,
Aruppukkottai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+3 CC to M/s.L.PRABHU, Advocate (SR-59804[F] dated 09/04/2019)
(SR-59805[F] dated 09/04/2019)
(SR-59806[F] dated 09/04/2019)

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ES/DS/25.04.2019/2P/6C