



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.11642 of 2019

and

Crl.M.P(MD)Nos.7319 and 7321 of 2019

1.M.Chandrasekar
2.Annal Mary
3.Manuvel

: Petitioners/Accused Nos.1 to 3
Accused Nos.1 to 3

Vs.

1.The State Rep. by
The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
(Crime No.195 of 2017)

: 1st Respondent/Complainant/Complainant

2.G.Suthanthira Dhass

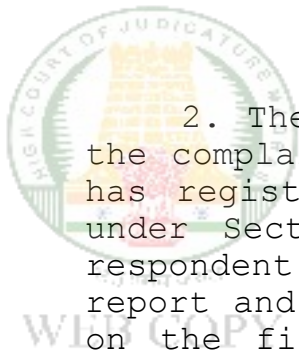
: 2nd Respondent/Defacto Complainant
Respondents/LW1/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C. praying to pass an order to withdraw and transfer the case in C.C.No.117 of 2018 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District in connection with Crime No.195 of 2017 on the file of the Inspector of Police, Asaripallam Police Station, Kanyakumari District to any other Court in the neighboring District more particularly the learned Judicial Magistrate, Valliyoor, Tirunelveli District forthwith.

For Petitioners : Mr.S.Palani Velayutham
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)
For R2 : Mr.S.R.Anbarasu

O R D E R

This petition has been filed to transfer the case in C.C.No.117 of 2018 from the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District to the learned Judicial Magistrate, Valliyoor, Tirunelveli District.



2. The learned counsel for the petitioner would submit that on the complaint lodged by the second respondent, the first respondent has registered the case in Crime No.195 of 2017 for the offences under Sections 447, 294(b) and 506(ii) of IPC., Thereafter, the respondent police have completed the investigation and filed a final report and the same has been taken cognizance in C.C.No.117 of 2018 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari. He further submitted that the second respondent is a practicing Advocate under the same Bar i.e., the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari and as such, no one is willing to defend the petitioners before the trial Court. He further submitted that the offence of trespass, abuse of filthy language as against the petitioners are not at all made out, according to the case of the prosecution. Therefore, he sought for transfer the trial Court proceedings.

3. The learned counsel for the second respondent submitted that on the complaint lodged by the second respondent, now the case has been taken cognizance in C.C.No.117 of 2018 for the offences under Sections 447, 294(b) and 506(ii) of IPC. He never threatened anybody and ready to proceed with the trial.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

5. The petitioners has filed this petition. A1 and A2 are the husband and wife and A3 is the brother-in-law of the first accused. While that being so, on 29.10.2017 there was a quarrel between them and as such, on complaint lodged by the second respondent, the case has been registered in Crime No.195 of 2017 and after completion of investigation, the first respondent has filed a final report and the same has been taken cognizance in C.C.No.117 of 2018 for the charge under Sections 447, 294(b) and 506(ii) of IPC. Admittedly, the second respondent is a practicing Advocate in the same Bar, namely, the learned Judicial Magistrate No.I, Nagercoil. Now the learned counsel for the second respondent also submitted that he has no objection to transfer the case to other Court.

6. Considering the facts and circumstances of the case, the proceedings in C.C.No.117 of 2018, is hereby withdrawn from the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District and to transfer before the learned Judicial Magistrate, Valliyoor, Tirunelveli District. On receipt of the entire bundle, the learned Judicial Magistrate, Valliyoor, Tirunelveli District, shall complete the entire proceedings, within a period of six months from the date of receipt of the bundle.



7. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (Ad-I)

Sub Assistant Registrar(CS)

Vsd

To

- 1.The Judicial Magistrate No.I,
Nagercoil, Kanyakumari District.
- 2.The Judicial Magistrate, Valliyoor,
Tirunelveli District.
- 3.The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate SR-88907.

+1 CC to M/s.S.R.ANBARASU, Advocate SR-88973.

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