



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.21031 of 2018

and

Crl.M.P. (MD) No.9717 of 2018

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K.S.Boopathy

... Petitioner /Defacto
complainant

Vs.

1. The State rep by
The Inspector of Police,
Kallidaikurichi Police Station,
Kallidaikurichi,
Tirunelveli District.
(Crime No.177/2015)

... 1st Respondent/Complainant

2.Chellammal

... 2nd Respondent/ Sole Accused

Prayer: This Criminal Original Petition is filed under Section 407 of Cr.P.C., to withdraw and transfer the case in C.C.No.153 of 2018 on the file of the learned Judicial Magistrate Court, Ambasamuthram, Tirunelveli District and transfer to any other Court in the nearby District such as Kanaykumari or Virudhunagar or Thoothukudi or more particularly the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District for further trial proceedings forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1
Mr.N.Pragalathan for R2

O R D E R

The petitioner is the defacto complainant in C.C.No.153 of 2018 on the file of the learned Judicial Magistrate, Ambasamuthuram. He wants the impugned proceedings to be withdrawn and transfered to some other Court.

2.The petitioner states that when he lodged a complaint apart from the second respondent herein a police constable was also arrayed as an accused. While filing the final report, the police constable was deleted from the array of accused. The petitioner's apprehension is that since the deleted accused is working as a police constable in Ambasamthuram, she may bring to bear some kind of influence on the presiding Magistrate. It is for this reason, he wants transfer of the case. The prosecution is for the offences under Sections 294(b) and 506(i) of I.P.C. The imputation of the petitioner is rather silly and absurd. I find no ground to transfer the impugned proceedings on the ground urged by the petitioner. The



criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Judicial Magistrate,
Ambasamuthram.
2. The Inspector of Police,
Kallidaikurichi Police Station,
Kallidaikurichi, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. +1 CC to Mr.N.PRAKALATHAN, Advocate
(SR-11461[F] dated 12/03/2020)
5. +1 CC to M/s.S.PALANIVELAYUTHAM, Advocate
(SR-11888[F] dated 16/03/2020)

**Crl.O.P(MD)No.21031 of 2018
12.03.2020**

TP (08.05.2020) 2P 6C