

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.3353 of 2021

and

Crl.MP.No.1942 of 2021

Mr.M.Venkatesh

.. Petitioner

.Vs.

Mr.A.R.Aravindh

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the Crl.case in STC No.54/2019, on the file of the Fast Track Court (Magistrate Level) Poonmallee, filed by the respondent/Complainant for alleged offences u/s.138 of Negotiable Instruments Act, 1881 and transfer the same to Hon'ble Judicial Magistrate No.1, Tiruchy.

For Petitioner : Mr.S.Nambi Arooran

O R D E R

This petition has been filed seeking for transferring the proceedings in STC No.54 of 2019, pending on the file of the Fast Court, Poonamallee.

2.The respondent has filed a complaint against the petitioner for an offence under Section 138 of the Negotiable Instruments Act in the year 2019. Initially, the petitioner approached this Court and filed a petition to quash the complaint in Crl.OP.No.207 of 2020. This Court by an order dated 03.08.2020, was pleased to dismiss the petition and directed the Court below to complete the proceedings within a period of nine months.

3.The present petition has been filed seeking for transfer on the ground that the petitioner is a resident of Dindigul, the respondent is a resident of Trichy and already there are Civil Court proceedings which is pending on the file

of the District Court, Dindigul. Therefore, according to the petitioner, it will be more convenient for the parties if the proceedings are transferred either to Dindigul or to Trichy.

4. In the considered view of this Court, the respondent has filed a complaint before the Poonamallee Court on the ground that his bank account was maintained at Allahabad Bank, Prorur Branch and when the cheque was presented, it was dishonored. Therefore, filing the complaint before the Poonamallee Court was well within the jurisdiction of that Court.

5. This Court has already directed the Court below to complete the proceedings within the time frame. In view of such a direction already given by this Court, this Court is not inclined to entertain this petition for transferring the proceedings at this stage.

6. In view of the above, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

KP

To

1. Judicial Magistrate No.1,
Tiruchy.

2. The Public Prosecutor,
High Court, Madras.

AAB (CO)
CSR 12.03.2021

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