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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.4807 of 2021

P.Ramadoss

... Petitioner

Vs.

1. State rep by,
Inspector of Police,
Sathuvachari Police Station,
Vellore District.

2. Stanly John
3. M.Sudhakar
4. N.Pugazhendi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in C.C.No.193/2020 on the file of Judicial Magistrate, Additional Mahila Court, Vellore and transfer the same to the file of Judicial Magistrate, Poonamallee, Thiruvallur District or any other Court in Kancheepuram District to try same, within time frame fixed by this Court.

For Petitioner : Mr.M.Habeeb Rahman

For R1 : Mr.A.Damodaran,
Additional Public Prosecutor

For R2 to R4 : Mr.N.Sudharsan

ORDER

This Criminal Original Petition has been filed to withdraw the case in C.C.No.193 of 2020 from the file of the Judicial Magistrate Court, Additional Mahila Court, Vellore and transfer the same to the file of the Judicial Magistrate Court, Poonamallee, Thiruvallur District or any other Court in Kancheepuram District.

2.The petitioner lodged a compliant to the 1st respondent Police against the respondents 2 to 4 and the same was registered in Crime No.334 of 2018, for offence under Sections



294(b), 323, 324 and 506(ii) of IPC. On completion of investigation, charge sheet was filed before the learned Judicial Magistrate, Additional Mahila Court, Vellore for offence under Sections 294(b), 506(ii), 326 and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

3.The learned counsel for the petitioner submitted that the respondents 2 to 4 claiming to be Advocates, had committed several offences and the cases pending against them are extracted as follows:-

S.No.	Name of the Police Station	Crime No.	Section	Name of the Accused
1	Sathuvachari P.S	35/2008	120(b), 381, 406, 420, 448, 468, 109 of IPC	Pugazendhi (A3), Advocate, Vellore
2	Sathuvachari P.S	478/2008	341, 323, 324, 506(i) of IPC	Pugazendhi, Sudhakar Advocates, Vellore
3	Sathuvachari P.S	404/1999	379 IPC apart from other cases	Stanley John (A1), Advocate, Vellore
4	Sathuvachari P.S	98/2009	285 of IPC	Pugazendhi (A3), Advocate, Vellore
5	Sathuvachari P.S	104/2009	448, 294(b), 323, 506(ii) IPC r/w 301 PPD Act	Pugazendhi (A3), Advocate, Vellore
6	Sathuvachari P.S	400/2006	420 of IPC	Pugazendhi (A3), Advocate, Vellore
7	Sathuvachari P.S	334/2018	294(b), 323, 324, 506(ii) of IPC	Stanley John (A1), Pugazhenghi (A3), Sudhakar, Raviraman and Krishnamurthy
8	Sathuvachari P.S	35/2012		Pugazenthdhi (A3) Advocate, Vellore
9	Sathuvachari P.S	36/2012		Pugazenthdhi (A3) Advocate, Vellore



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S.No.	Name of the Police Station	Crime No.	Section	Name of the Accused
10	Sathuvachari P.S	324/2007	147, 294(b), 506(i) of IPC	Pugazendhi (A3) Advocate and others
11	Sathuvachari P.S	371/2019	3(A) of TN Town Act,	Stanley John (A1)

4.The learned counsel further submitted that the respondents 2 to 4 took advantage of their position as Advocate, has been dragging on the trial. Though the final report filed on 29.03.2019, it got numbered in the year 2020 and thereafter, the respondents 2 to 4 not regularly appeared before the trial Court and the case is kept pending at the stage of framing of charges. Now, with great difficulty, the trial is progressing and the chief examination of PW1 is going on. While being so, the respondents 2 to 4 are giving unnecessary pressure and threat to the petitioner whenever he appearing before the trial Court in Vellore. Due to which, the petitioner is unable to follow the case in Vellore and there is life threat to him, since the respondents 2 to 4 are practicing Advocate in Vellore Court.

5.In support of his submissions, the learned counsel for the petitioner filed affidavit and sought for transfer of the proceedings to the file of the Judicial Magistrate Court, Poonamallee, Thiruvallur District or any other Court in Kancheepuram District.

6.The learned counsel for the respondents 2 to 4 submitted that the petitioner is making bald allegations against the respondents 2 to 4 without any material. If such things are allowed, several petitions will be filed like this in future. This Court in similar cases had held that the Advocates are to be protected from false allegations, since they are fighting for the rights of the public in annoyance of the Police and other Law Enforcing Agencies. Hence, the rights and privileges of the Advocate to be safeguarded. In this case, the petitioner has made false allegations against the respondents 2 to 4, who are Advocates practicing in Vellore District. He further submitted that against the respondents 2 to 4 charges have been framed by the trial Court.

7.In order to substantiate his submissions, the learned counsel for the respondents 2 to 4 relied on the decision of the Hon'ble Apex Court in the case of "Captain Amarinder Singh Versus Prakash Singh Badal and others reported in 2009 6 SCC



to complete the trial within a period of six months.

15. The citation referred by the learned counsel for the respondents 2 to 4 is applicable to the facts and circumstances of the case.

16. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Additional Mahila Court,
Vellore.
2. The Judicial Magistrate, Additional Mahila Court,
Chengalpet.
3. The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
4. The Public Prosecutor,
High Court, Madras.

+2CCs to Mr.M.Habeeb Rahman, Advocate, Sr.No.52727

Cr1.O.P.No.4807 of 2021

SS (CO)
K.RK. (12.11.2021)