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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.30213 of 2018

Mrs. Mary Ranjitha Bai,

.. Petitioner

Vs.

Mr. G. Rajendran

.. Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., to pass an order withdrawing C.C.No.9828 of 2018 pending on the file of Learned III Fast Track Court, Saidapet to the file of Learned Judicial Magistrate-I, Alandur.

For Petitioner : Mr. S. Jaganathan

### O R D E R

The petitioner has filed this petition seeking to pass an order withdrawing C.C.No.9828 of 2018 pending on the file of Learned III Fast Track Court, Saidapet to the file of Learned Judicial Magistrate-I, Alandur.

2. It is the case of the petitioner that her husband was arrested and remanded in J-I Saidapet in Crime No.2346 of 2017. While being so, the respondent/De-facto complainant threatened the petitioner and obtained a blank cheque and processed it for a sum of Rs.10,00,000/- and the cheque was dishonoured, as a result of which a complaint was filed u/s 138 of Negotiable Instruments Act in C.C.No.9828 of 2018 before the Learned III Fast Track Court, Saidapet against the petitioner and the summons were issued to the petitioner. Thereafter when the petitioner appeared before the court concerned along with her relatives, the respondent along with his henchmen abducted the petitioner's relative and threatened him with dire consequences



demanding return of money. When the same was informed to the court concerned, no action was taken by them. Hence the present petition has been filed before this Court seeking to pass an order withdrawing C.C.No.9828 of 2018 on the file of Learned III Fast Track Court, Saidapet to the file of the Judicial Magistrate-I, Alandur.

3. The learned Counsel for the petitioner submitted that the respondent herein is a practising advocate filed a complaint u/s 138 of Negotiable Instruments Act in C.C.No.9828 of 2018 before the learned III, Fast Track Court, Saidapet wherein the petitioner herein is alleged as an accused. He submitted that the petitioner may not obtain proper relief from the said court and seeks transfer of the case.

4. Though several grounds have been raised by the learned counsel for the petitioner, however, this Court is of the opinion that no material whatsoever substantiates the case of the petitioner. Mere apprehension cannot be the basis for this Court to transfer the case of some other court. Therefore at this point of time, this Court is not inclined to interfere with the matter however the petitioner is at liberty to file appropriate complaint before the law enforcing agency seeking police protection and the official after conducting the enquiry, if necessary shall provide the necessary relief. Further, it is represented by the learned counsel appearing for the petitioner that this Court may issue a direction to the trial court to expedite the trial and complete the same as early as possible.

5. Further taking into consideration the relief sought for in the petition, this Court issues direction to the trial court to dispose of C.C. No.9828 of 2018 as expeditiously as possible as per seniority of the case. The petitioner and respondent are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioner, his appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgement is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.



6. For the aforesaid reasons, this Criminal Original Petition is disposed of with the above direction.

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Sd/-  
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

NHS

To

The learned III Fast Track Court,  
Saidapet,  
Chennai.

+1CC to M/s.S.Jaganathan, Advocate, SR.No. 47743

Cr1.O.P.No.30213 of 2018

GMR(CO)  
B.VC (02/11/2021)