



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.07.2021

PRONOUNCED ON : 31.08.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)Nos.18168 to 18171 of 2018 and

Crl.MP(MD) Nos.8085,8086,8087,8088,8089,8090,8091 & 8092 of 2018

STB Co-Operative House building Society Ltd,
Rep by Chairman,
Radhakrishnan,
S/o Santhanam,
5781(3) Sannathi Street,
Kalayarkovil,
Sivagangai District.

... Petitioner in all Crl Ops

Vs.

M.Balaji

...Respondent
in Crl.OP(MD) No.18168 of 2018

R.Muthukartika

...Respondent
in Crl.OP(MD) No.18169 of 2018

Tharani

...Respondent
in Crl.OP(MD) No.18170 of 2018

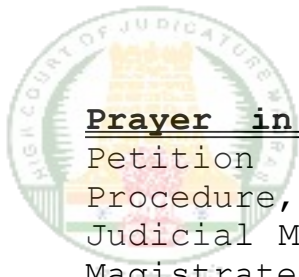
S.Karthikeyan

...Respondent
in Crl.OP(MD) No.18171 of 2018

Prayer in Crl.OP(MD) No.18168 of 2018 : Criminal Original
Petition filed under Section 482 of the Code of Criminal
Procedure, to transfer STC No.62 of 2018, on the file of the
Judicial Magistrate (Fast Track Court), Theni to the file of the
Judicial Magistrate No.I, Sivagangai District.

Prayer in Crl.OP(MD) No.18169 of 2018 : Criminal Original
Petition filed under Section 482 of the Code of Criminal
Procedure, to transfer STC No.58 of 2017, on the file of the
Judicial Magistrate Court, Uthamapalayam to the file of the
Judicial Magistrate No.I, Sivagangai District.

Prayer in Crl.OP(MD) No.18170 of 2018 : Criminal Original
Petition filed under Section 482 of the Code of Criminal
Procedure, to transfer STC No.353 of 2018, on the file of the
Judicial Magistrate Court, Manapparai, Trichy District to the file
of the Judicial Magistrate No.I, Sivagangai District.



Prayer in Crl.OP(MD) No.18171 of 2018 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer STC No.360 of 2018, on the file of the Judicial Magistrate Court, Periyakulam to the file of the Judicial Magistrate No.I, Sivagangai District.

WEB COPY

For Petitioner : Mr.R.Ramasamy
(In all Crl Ops)
For Respondent : Mr.I.Pinayagash
(In Crl.O.P(MD) No.18168 of 2018)
For Respondent : Mr.S.Muniyandi
(In Crl.O.P(MD) No.18169 of 2018)
For Respondent : Mr.R.Shankar Ganesh
(In Crl.O.P(MD) No.18171 of 2018)

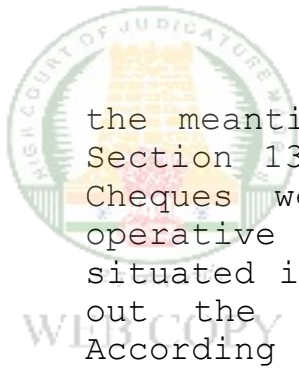
COMMON ORDER

These Criminal Original Petitions have been filed for transfer of cases in STC Nos.62,58,358,360 of 2018 from the respective Courts to the Judicial Magistrate Court No.I, Sivagangai District.

2.The brief common facts in all matters are:-

The petitioner in all Criminal Original Petitions is STB Co-operative House Building Society Ltd having its registered office at Kalayarkoil, Sivagangai District. In 2013, the petitioner started Tirupathi Balaji Multi State Co-operative House building Society Ltd, operating in States of Tamil Nadu, Andhrapradesh, Karnataka and Puducherry. It is a registered Co-operative Society registered under the provisions of the Central Co-operative Societies Act. The main object of the Society is to help farmers by way of granting loan and constructing dwelling houses. So, the petitioner entered into Memorandum of understanding with the Central Government Department and deposited Rs.60,00,000/- in a Project, for the purpose of carrying out work. The petitioner recruited various staff members to work in its various Branch offices.

2.1.As stated earlier, the petitioner deposited Rs.60,00,000/- in the Central Government Project called Rural Housing Scheme under Minsitry of Rural Development. The project was given to AHIMSA NGO, Chennai for execution. As stated earlier, the petitioner deposited Rs.60,00,000/- in the above said project. Some sort of problems arose at the hands of the staff members. So a case has been registered in Crime No.182 of 2018 against the petitioner's Company for the offences punishable under Sections 294 (b), 323, 506(2) and 420 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Bail was granted to the petitioner. Investigation is going on. Similarly some other staff members have given the same complaint to Theni Police. In



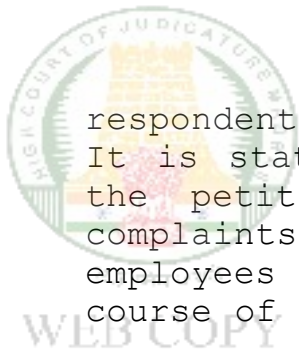
the meantime, some of the staff members filed proceedings under Section 138 of Negotiable Instruments Act before various Courts. Cheques were issued in the capacity of Chairman of the Co-operative Housing Society, Kalayarkoil. The drawer bank is situated in Kalayarkovil. So, the petitioner has to travel through out the State of Tamil Nadu for attending various Courts. According to the petitioner, the following cases are pending in various Courts:-

STC No.353 of 2018-Judicial Magistrate Court, Manapparai, Trichy
STC No.360 of 2018-Judicial Magistrate Court, Periyakulam
STC No.58 of 2017 -Judicial Magistrate Court, Uthamapalayam
CC No.240 of 2018 -Judicial Magistrate Court, Ambattur, Chennai

2.2.So, on this ground, these Criminal Original Petitions have been filed seeking transfer of all the cases to the Judicial Magistrate Court No.I, Sivagangai. Crl.OP(MD) No.18168 of 2018 is filed seeking transfer of STC No.62 of 2018, from the file of the Judicial Magistrate (Fast Track Court), Theni. Crl.OP(MD) No.18169 of 2018 is filed seeking transfer of STC No.58 of 2017, from the file of the Judicial Magistrate Court, Uthamapalayam Crl.OP(MD) No.18170 of 2018 is filed seeking transfer of STC No.353 of 2018, from the file of the Judicial Magistrate Court, Manapparai, Trichy District and Crl.OP(MD) No.18171 of 2018 is filed seeking transfer of STC No.360 of 2018, from the file of the Judicial Magistrate Court, Periyakulam.

3. Heard both sides. In all the cases the respondents have appeared through their respective counsel.

4.The learned counsel for the respondents would submit that even though the petitioner is having its registered officer at Kalayarkoil, the respondents are different persons and from different locations. They filed cases in different Courts, depending upon the cause of action. Merely because the petitioner is having its registered office at Kalayarkovil, the respondent cannot be directed to appear before single Court, namely, Judicial Magistrate Court at Sivagangai since cause of action arose in different places. However, the learned counsel for the petitioner would submit that because of the trouble created by the employees of the petitioner Co-operative Society, he has to travel throughout Tamilnadu for the purpose of attending Courts in various places. So this causes much hardship. But, according to him, the point to be decided in all the matters is common in nature. So, if all the matters are tried simultaneously in single Court, inconvenience that has been faced by the petitioner will be reduced and chances of conflicting decisions can also be avoided. The reason given by the learned counsel for the petitioner is acceptable one. But, on the part of the petitioner, the

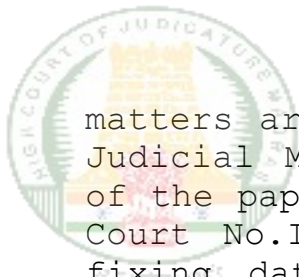


respondents are his employees. But some do not accepted the same. It is stated that only for the purpose of business development, the petitioner obtained loan as mentioned in the respective complaints. So whether the respondents in all matters are the employees of the petitioner or not can be decided only during the course of trial.

5.In Crl.O.P(MD) No.18168 of 2018, the respondent has stated in the complaint that he has joined as staff in the petitioner company and deposited Rs.3,00,000/- as refundable security deposit. Because of non performance of the company, he resigned on 14.07.2017 and towards discharge of the above security deposit amount, disputed cheques were issued. Insofar as Crl.O.P (MD) No.18169 of 2018 is concerned, the respondent has stated in her complaint that she was an ex-employee of the petitioner Society and the amount was borrowed for the business development purpose of the petitioner. In Crl.O.P(MD) No.18170 of 2018, the respondent has stated that he was an ex-employee of the petitioner Society and he resigned on 05.09.2017 and during his employment, the petitioner borrowed Rs.3,10,000/- for developmental purpose. Thereafter, no repayment was made. But disputed cheques have been issued. Insofar as Crl.O.P(MD) No.18171 of 2018 is concerned, the respondent has stated that the petitioner borrowed a sum of Rs.2,00,000/- through his friend and towards discharge of the said amount, disputed cheques were issued.

6.From all the complaints, it is seen that in some of the cases, the respondents are ex-employee of the petitioner's Company. It can be decided only during the course of trial. It appears that the transaction arose out of business activities on the petitioner's Company. So I am of the considered view that if all the matters are decided by a single Court, conflicting decisions can be avoided. No doubt, the respondents have to travel to the Sivagangai for the purpose of conducting cases. At the same time, the petitioner also cannot be expected to travel to various places for trial process. In a common ground made by the petitioner, I am of the considered view that in order to avoid conflicting decisions, as mentioned earlier, all the cases can be transferred to the Judicial Magistrate Court No.I, Sivagangai for simultaneous trial. No prejudice will be caused to the respondents except the travel distance. The respondents can also appear through their counsel by making proper petitions, requesting dispense with their personal appearance, except in those hearings that their personal appearance is required by the concerned Magistrate. Inconvenience caused to the respondents to travel a long distance may also be avoided.

7.In view of the foregoing reasons, all these Criminal Original Petitions are allowed. The transferor Courts in all the



matters are hereby directed to transmit the entire records to the Judicial Magistrate Court No.I, Sivagangai forthwith. On receipt of the papers the transferee Court, namely the Judicial Magistrate Court No.I, Sivagangai shall send notice to all the parties by fixing date for appearance. On the date fixed by the learned Judicial Magistrate No.I Sivagangai, parties shall appear as stated above. The respondents are at liberty to engage Advocate of their choice. They are permitted to file proper application seeking dispensing with their personal appearance, except on those hearings their personal appearance is required by the concerned Magistrate. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate (Fast Track Court), Theni.

2.The Judicial Magistrate, Uthamapalayam.

3.The Judicial Magistrate, Manapparai, Trichy.

4.The Judicial Magistrate, Periyakulam.

5.The Judicial Magistrate Court No.I, Sivagangai.

1+CC M/s.R.Sankar Ganesh, Advocate (SR-27937 [F] dated 02.09.2021)

Crl.O.P.(MD)Nos.18168 to 18171 of 2018 and
Crl.MP(MD) Nos.8085,8086,8087,8088,8089,8090,8091 & 8092 of 2018
31.08.2021

SB(15.09.2021) 5P 7C

<https://hcservices.ecourts.gov.in/hcservices/>