



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3674 of 2022 and
Crl.M.P.No.1744 of 2022

Haritha @ K.R.Vishnupriya

... Petitioner

-Vs-

1.Babu @ Punniyamurthy

2.Babu @ Punniyamurthy's Uncle (Name Unknown)

3.The Inspector of Police,
Chidambaram Taluk Police Station,
Chidambaram.

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to pass an order to withdraw and transfer the petition in Crl.M.P.No.367 of 2021 pending on the file of the Judicial Magistrate - II, Chidambaram to any other Court Chennai.

For Petitioners : Ms.Haritha @ K.R.Vishnupriya
(P-IN-P)

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R3.
Mr.K.Balu for R1 & R2.

O R D E R

This Criminal Original Petition has been filed to withdraw and transfer the petition in Crl.M.P.No.367 of 2021 pending on the file of the Judicial Magistrate - II, Chidambaram to any other Court Chennai.

2.The case of the petitioner (Party in person) is that she is a native of Chidambaram and is a practicing advocate settled at Chennai. She and her family members owned immovable properties at Chidambaram. The respondents 1 and 2 who are the



petitioner's neighbours had created a fraudulent document in respect of the petitioner's family property, which she came to know only at a later stage during February 2020. The respondents 1 and 2 have threatened and coerced the petitioner and her family members to dispose of the property in their favour and on their refusal to budge to their demands they have engaged rowdy elements and had threatened to do away the petitioner and her family members.

3. On 05.03.2021, at about 3.30pm when the petitioner was inspecting the property in the presence of her neighbors, the 2nd respondent along with three other persons who could be identified trespassed into the petitioner's property and abused her with filthy language and they have also threatened her. The petitioner had preferred a complaint in the local police station by 04.00pm. Whereas, the respondent without registering the case issued only CSR. Since, the respondent did not register a case, the petitioner had filed a petition under Section 156(3) of Cr.P.C before the learned Judicial Magistrate - II, Chidambaram seeking to direct the respondent to register and investigate and to file a final report on the petitioner's complaint dated 05.03.2021 in CSR.No.76 of 2021. The learned Judicial Magistrate - II, Chidambaram had directed the 3rd respondent to investigate the matter and file a final report within a period of two months i.e, within 01.06.2021. The 3rd respondent without registering the petitioner's complaint had filed negative report before the learned Judicial Magistrate and against the final report the petitioner had filed a protest petition.

4. It is the further case of the petitioner that in the protest petition she had submitted video and audio clippings to prove the occurrence and the abuse made on her. Whereas, the learned Judicial Magistrate had refused to take electronic evidence on record. Further, apprehending threat to her life from the hands of R1 and R2, when she attends Court at Chidambaram, the present petition has been filed seeking to transfer the CrI.MP.No.367 of 2021 pending on the file of the Judicial Magistrate No.II, Chidambaram to any other Court in Chennai.

5. M/s.Haritha/party-in-person would submit that she is an Advocate by profession and that the respondents 1 and 2 who are neighbours had encroached into their family properties and they



are forcing the petitioner and her family members to sell their property. She would further submit that on 05.03.2021, while she was inspecting the property at about 3.30pm, the respondents 1 and 2 along with their henchmen had attempted to assault her and also abused her in filthy language. Since, her complaint was not taken up by the respondents, the petitioner had filed petition under Section 156(3) Cr.PC. Whereas, the third respondent had filed negative report against which she had filed protest petition. She would submit that whenever she goes to Chidambaram, she is facing threat at the hands of respondents 1 and 2, thereby, the petitioner had filed this petition seeking to transfer.

6. Mr.Balu, learned counsel appearing for the first respondent would submit that the first respondent is not threatening the petitioner. He would submit that civil disputes are pending between the parties, he would submit that neither R1 nor his family members or his associates are threatening the petitioner. He would further submit that the petitioner abusing her position is threatening the respondent and only in order to drag the respondents to Chennai, the present petition has been filed.

7. The learned Additional Public Prosecutor appearing for the third respondent would submit that the petitioner is an advocate, she had given a complaint on 05.04.2021 and the respondent police had enquired in detail and finding that civil dispute was pending between the parties has filed a negative report. He would further submit that if at all the petitioner apprehends that there is danger to her life, she can inform the same to the 3rd respondent and inturn the 3rd respondent will give adequate protection whenever she goes to Chidambaram for attending the Court hearings. He would further submit that the Deputy Superintendent of Police will take action in accordance with the directions of this Court.

8. Mr.Su.Ramesh Raj, Deputy Superintendent of Police, Cuddalore who is incharge of the 3rd respondent police station is also present before this Court.

9. Recording the above submission, this criminal original petition is disposed of, with a direction to the Deputy Superintendent of Police, Chidambaram to provide adequate



protection to the petitioner during the petitioner's visit to Chidambaram to attend Court hearings. Further, this Court directs the Judicial Magistrate No.II, Chidambaram to dispose of the CrI.MP.No.367 of 2021 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

jas/tsh

To

- 1.The Judicial Magistrate No.II,
Chidambaram.
- 2.The Deputy Superintendent of Police,
Chidambaram.
- 3.The Inspector of Police,
Chidambaram Taluk Police Station,
Chidambaram.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.Balu, Advocate Sr.22448
+1cc to M/s.Haritha, Party in person Sr.22060

CrI.O.P.No.3674 of 2022

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srg 20/04/2022