

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.11231 of 2022  
and  
Crl.M.P.No.6458 of 2022

Fr. R.Swamynathan,  
Parish Priest,  
S/o. Rethinam

...Petitioner

Versus

ASA. Dass (Arockiadass),  
S/o. Amaladoss

...Respondent

PRAYER: Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, to withdraw and transfer the Crl.M.P.No.1197 of 2021 on the file of Judicial Magistrate, Seerkazhi to Judicial Magistrate, Pudukkottai.

For Petitioner : Ms.R.Revathy

ORDER

This Criminal Original Petition has been filed to withdraw and transfer the Crl.M.P.No.1197 of 2021 on the file of Judicial Magistrate, Sirkali to Judicial Magistrate, Pudukkottai.

2.Heard the learned counsel appearing for petitioner and perused the records.

3.This Court, at the outset, is of the view that even before the private complaint was taken on file, this petition has been filed. Therefore, mere filing of a private complaint, the transfer cannot be ordered. When the petitioner was able to file a private complaint before the Judicial Magistrate Court, Sirkali, now on the ground of certain threat, cannot seek transfer, even when the private complaint was not taken on file by the trial court. Hence, this petition is liable to be dismissed. Accordingly, this Criminal Original Petition is

dismissed at present. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rpp

To

The Judicial Magistrate,  
Sirkali.

+1cc to Mr.S.C.Herold Singh, Advocate, S.R.No.32954

CRL.O.P.No.11231 of 2022

PM(CO)  
RGA(15/06/2022)