



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.14146 OF 2022

AND

CRL.M.P.NO.7733 OF 2022

B.Tharani
D/o.Mr.Balasubramanian

... Petitioner/Accused

Versus

S.Sudhakar
S/o.Mr.K.Saminathan

... Respondent/Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to permit the petitioner to withdraw the proceedings in S.T.C.No.115 of 2022 on the file of Judicial Magistrate Court, FTC-I, Erode and transfer the same to the Judicial Magistrate, Paramathy, Namakkal District for joint trial with DAVC No.11 of 2021 with a direction to try the same.

For Petitioner : Mr.K.S.Vivekanandam

O R D E R

This Criminal Original Petition has been filed seeking to permit the petitioner to withdraw the proceedings in STC.No.115 of 2022 on the file of learned Judicial Magistrate Court, FTC-I, Erode and transfer the same to learned Judicial Magistrate, Paramathy, Namakkal for joint trial with DAVC No.11 of 2021 with a direction to try the same.

2. The main ground on which the transfer sought is that the complainant is friend of petitioner's husband and she has already initiated DVC proceedings, which is pending on the file of learned Judicial Magistrate, Paramathy, Namakkal District in DVC No.11 of 2021. Therefore, she is seeking to transfer the complaint initiated under Sec.138 of Negotiable Instruments Act.



It is the further contention of learned counsel for petitioner that the cheque has been misused and forged. Hence, she seeks transfer.

3. The mere allegation of forgery is not sufficient to transfer the petition, because it has to be established before the concerned Court. Therefore, merely on the ground that DVC proceedings is pending in some other District, the same is not a ground to transfer the petition. It is for the petitioner to establish her stand where the proceedings under Sec.138 of Negotiable Instruments Act is pending. Therefore, this petition seeking to transfer the petition is liable to be rejected. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp

To

The Judicial Magistrate,
Fast Track Court - I,
Erode.

+1cc to Mr.K.S.Vivekanandam, Advocate, S.R.No.39062

CRL.O.P.NO.14146 OF 2022

SV(CO)
PBS/05/07/2022