



Crl.O.P.(MD) No.12493 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.12493 of 2022

and

CRL.M.P (MD) No.7908 of 2022

K.Natchiappan

...Petitioner / L.W.2

vs.

**1.State of Tamil Nadu,
Represented by
The Inspector of Police,
Fort Police Station, Trichirappalli.**

2. Ram Kumar

3. Ramnath Ashok

4. Pappa

5. Kalyani

6. Lakshminarayanan

7. Visaladchi

...Respondents / Accused



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw the case in C.C.No. 2168 of 2019 from the file of the Additional Mahila Court, Trichirappalli, and transfer the same to any other competent court in nearby district.

For Petitioner : No Appearance
For R-1 : Mr. R.Sivakumar
Government Advocate (Crl.Side)
For R-2 : Mr. J.Mariappan

ORDER

This Criminal Original Petition has been filed to withdraw the case in C.C.No. 2168 of 2019 from the file of the Additional Mahila Court, Trichirappalli, and transfer the same to any other competent Court in nearby district.

2. When the case came up for hearing today, in the list as item No.17, during the morning mentioning time, the learned counsel for the Petitioner sought adjournment. This Court was not inclined to grant adjournment in the absence of the learned Counsel for the Petitioner.



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3. When the case reached hearing by around 1.00 p.m., there is no representation on behalf of the Petitioner.

4. On perusal of the records, it is found that the Petitioner is the father of the Defacto Complainant seeking withdrawal of the case in C.C.No. 2168 of 2019 filed before the Additional Mahila Court, Trichy to any other Court, on the ground that seeking transfer, is found to be frivolous. The learned Judicial Magistrate / Additional Mahila Judge, Trichy, had already directed to dispose of the case within a reasonable period of three months from the date of receipt of copy of the order by the order passed by this Court in Crl.O.P(MD) No.3451 of 2022 dated 12.04.2022.

5. When the petition came up for hearing on an earlier occasion, the Petitioner himself sought for mediation. Hence, the same was referred to mediation. Mediation Report was received after a reasonable period of one month. As per the mediation report, parties had not arrived at a settlement.

6. As per the remarks offered by the learned Judicial Magistrate / Additional Mahila Judge, Trichy, it is found that the father of the Defacto



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Complainant had approached this Court by way of Crl.O.P(MD) No.12493 of 2022, seeking withdrawal of the case from the file of the learned Additional Mahila Court, Trichy, on frivolous allegations. Whereas, the Defacto Complainant is the daughter of the Petitioner in Crl.O.P(MD) 12493 of 2022 had not co-operated with the Court and had not obtained permission of the Court, left for Canada. Therefore, the Court is unable to proceed with trial. In the petition in Crl.O.P(MD) 12493 of 2022, the Petitioner, the father of the defacto complainant makes allegation that the learned Judge is showing leniency to the accused 1, 4 and 5. It is to be noted that as per the complaint and as per the contents of the petition in Crl.O.P. (MD) No.12493 of 2022, the accused left Canada. The first Respondent Police had filed the Final Report before the Court concerned as A1 is absconding. So that look out notice was issued. When the counsel for the accused and other accused in this case had pointed out that in case of the look out notice, A1 is unable to appear before the Court. The learned Judicial Magistrate had passed orders directing the Police Officers to withdraw the look out notice only for the accused 1, 4 and 5, for which, the Petitioner herein father of the Defacto Complainant cannot find any fault with the learned Judicial Magistrate / Additional Mahila Judge, Trichy. The



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Petitioner had filed this petition without any base levelling charge against the learned Judicial Magistrate / Additional Mahila Judge, Trichy, only to gain time to defeat the earlier direction of this Court directing the learned Judicial Magistrate to dispose of the case within a reasonable period. This petition is found frivolous. Hence, the Petition is dismissed.

7. The Petitioner shall pay Rs.10,000/- to the learned Judicial Magistrate / Additional Mahila Judge, Trichy as cost. The learned Judicial Magistrate can impose the amount from the Petitioner in Crl.O.P(MD) No. 12493 of 2022 when he is appear as L.W.2 before the same Court and forward the same to Legal Service Authority, Tiruchirappalli.

8. With the above directions, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous petition is closed.

15.11.2022

Internet:Yes/No
Index:Yes/no
indu



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SATHI KUMAR SUKUMARA KURUP, J.

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To

- 1.The Inspector of Police,
Fort Police Station, Trichirappalli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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