



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-11-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.3270 of 2023

And

Crl.MP No.1958 of 2023

Padmini

... Petitioner/Accused in STC 520/2019

Vs.

S.Santhakumar

... Respondent/Complainant in STC 520/2019

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, for transferring the above case viz., STC No.520 of 2019 from the file of the District Munsiff cum Judicial Magistrate, Sriperumbudur to the District Munsiff cum Judicial Magistrate, Tambaram or to any other Court.

For Petitioner

: Mr.K.R.Vijayakumar



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ORDER

The present Criminal Original Petition for transfer the case to some other Court has been filed by the accused in the private complaint filed under Section 138 of Negotiable Instruments Act, which was taken cognisance by the learned Judicial Magistrate in the year 2019. This petition is filed after the matter was adjourned for questioning the accused under Section 313 of Cr.P.C.

2. The petition for transfer is filed on the following grounds:-

(i) The Judicial Magistrate Court, Sriperumbudur is in remote place and on the lonely road, whenever the petitioner go to attend the case, the henchmen of the complainant are threatening the petitioner, who is the lady.

(ii) In the Judicial Magistrate Court, the petitions filed under Section 311 of Cr.P.C., has gone missing. The Court is not taking care of the petitions filed and had not even assigned SR Number/Diary Number to the petition filed under Section 311 of Cr.P.C.



(iii) The petitioner is in family way and not physically fit to travel upto Sriperumbudur. Therefore, the case is to be transferred to any other Court, within Chengalpattu District either at Tambaram or at Alandur.

3. This Court finds each of the abovesaid reasonings for transfer either not factually correct or legally sustainable.

4. Firstly, the Sriperumbudur Judicial Magistrate Court is very near the National Highways and even visible to the travellers passing through the National Highways. Secondly, the allegation that the accused with his henchmen threatening the petitioner is supported by a complaint to the police given earlier and same is pending investigation. Even hereinafter, if there is any threat to the petitioner herein, it is always open to her to give a complaint to the Presiding Officer of the Court or/and to the police, seeking protection. The third reason that the petitioner is not keeping good health and not fit to travel upto Sriperumbudur will equally apply even if the case is transferred to any other Court. For this reason, the case cannot be transferred to Court elsewhere. Wherever the case is transferred, the petitioner is liable to attend in person or file petition, seeking leave of



absence.

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5. The learned counsel for the petitioner referring to a complaint given to the Inspector of Police, Sriperumbudur Police Station, with a copy marked to the Superintendent of Police, Kancheepuram dated 30.12.2022 sent by Registered Post submitted that the petitioner was threatened by the complainant Santhakumar on 23.12.2022. Therefore, the present Transfer Petition is filed as no action has been taken by the police.

6. On perusal of the documents placed before this Court, this Court finds that the present Transfer Petition is prepared and signed by the petitioner on 28.12.2022, probably on the reopening day after the Christmas Holidays presented on 03.01.2023 in the Court. Thereafter the matter has been heard by the learned Judicial Magistrate, Sriperumbudur on several occasions, but nothing adverse has been reported. Therefore, while dismissing the petition for transfer, this Court directs the Inspector of Police, Sriperumbudur to enquire upon the complaint sent by the petitioner on 30.12.2022 and act upon it in accordance with law.



7. With the abovesaid directions, the present Criminal Original
Petition stands dismissed. Consequently, the Criminal Miscellaneous
Petition is also dismissed.

20-11-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.TheDistrict Munsiff cum Judicial Magistrate,
Sriperumbudur.
- 2.District Munsiff cum Judicial Magistrate,
Tambaram .
- 3.The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur.
- 4.The Superintendent of Police,
Kancheepuram.
- 5.The Public Prosecutor,
High Court of Madras,
Chennai.



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DR.G.JAYACHANDRAN, J.

Svn

Crl. OP 3270 of 2023

20-11-2023