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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.9915 of 2023

M.Kavitha .. Petitioner

Vs.

A.Karthikeyan ..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the criminal case in the STC No.1052 of 2022 pending on the file of the learned Judicial Magistrate Court, Katpadi and transfer the same to the learned Judicial Magistrate Court, Arni to be tried along with STC No.856 of 2022 pending on the file of the learned Judicial Magistrate Court, Arni.

For Petitioner : Mr.P.Satheesh Kumar

For Respondent : No Appearance

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O R D E R

This criminal original petition has been filed seeking for transfer of the case in STC No.1052 of 2022 pending on the file of the Judicial Magistrate Court, Katpadi to the file of the Judicial Magistrate Court, Arani to be tried along with STC No.856 of 2022.

2.Heard the learned counsel for the petitioner and carefully perused the materials available on record. The respondent has been served and his name is also printed in the cause list. There is no appearance either in person or through counsel.

3.The case of the petitioner is that the respondent owed money to the father of the petitioner. The father of the petitioner died on 06.03.2021 and the petitioner and her sister Revathy are the legal heirs. They approached the respondent and sought for repayment of the amount that was due and payable to the father of the petitioner. The respondent also issued cheques towards the discharge of the liability. One cheque was issued in the name of the petitioner and the other cheque was issued in the name of the sister of the petitioner. Both the cheques were deposited and were dishonored.

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4.The sister of the petitioner has initiated proceedings against the respondent in STC No.856 of 2022 and the same is pending before the learned Judicial Magistrate, Arani. The petitioner has also initiated proceedings against the respondent and the same is pending on the file of the learned Judicial Magistrate, Katpadi. The petitioner is seeking for transferring this case to the learned Judicial Magistrate Court, Arani to be tried along with STC No.856 of 2022.

5.This Court is satisfied with the reasons assigned in the transfer petition. The amount was borrowed by the respondent from the father and towards the said liability, cheques have been issued in favour of the petitioner and her sister. Hence, both the proceedings must be conducted only before the same Court in view of the commonality of interest.

6.In the light of the above discussion, the proceedings in STC No.1052 of 2022 pending on the file of the learned Judicial Magistrate, Katpadi is withdrawn and transferred to the file of the learned Judicial Magistrate, Arani. The same shall be tried along with STC No.856 of 2022.

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N.ANAND VENKATESH, J

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7.Accordingly, this criminal original petition stands allowed.

18.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

To

1.The Judicial Magistrate Court, Katpadi

2.The Judicial Magistrate Court, Arni.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.9915 of 2023

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