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Crl.O.P.No.25645 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25645 of 2023

and

Crl.M.P.No.17792 of 2023

D.Geetha

... Petitioner

Vs.

N.Dhanalakshmi

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to withdraw the complaint in S.T.C.No.545 of 2023 pending on the file Judicial Magistrate, Fast Track Court, Poonamallee and transfer the same to IV FTC, Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.E.Senthil Kumar

ORDER

The petitioner herein seeks transfer of the S.T.C.No.545 of 2022 on the file of the Judicial Magistrate, Fast Track Court, Poonamallee to IV Fast Track Court, Metropolitan Magistrate, George Town, Chennai.

2. The reason stated is that for some transaction the petitioner and her husband gave two cheques to the defacto complainant/Dhanalakshmi



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which is the subject matter of S.T.C.No.545 of 2023, on the file of the Judicial Magistrate, Fast Track Court, Poonamallee and S.T.C.No.881 of 2023 on the file of the IV Fast Track Court, George Town, Chennai.

3. Though the reasons stated by the learned counsel for transfer of case, on perusing the record, the complaint is filed within the jurisdiction where the cheque was presented for collection and therefore, there cannot be any reason to find fault in respect of jurisdiction. Withdrawal of the complaint and transfer to the other Court on the request of the accused also does not satisfactorily explained, since the other case is against her husband not against her. In any event as far as under Section 138 of N.I.Act is concerned, being the private complaint it is not the accused alone to be present during the date of hearing and it is also the complainant has to appear. Looking from any angle, this Court does not find any justifiable reason to entertain the petition, hence this Criminal Original Petition is dismissed. Consequently, the connected Crl.M.P is also dismissed.

09.11.2023

Index : Yes/No



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Neutral Citation : Yes/No
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- 1.The Judicial Magistrate, Fast Track Court, Poonamallee.
- 2.The IV FTC, Metropolitan Magistrate, George Town, Chennai.



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Dr.G.JAYACHANDRAN, J.

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