



Crl.O.P.(MD) No.5574 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.5574 of 2023

Swaminathan

... Petitioner

Vs.

1.The Inspector of Police,
Tirupattur Police Station,
Sivagangai District.
Crime No.228 of 2017

2.Palanikumar

3.Pandian

4.Akilan

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the case in CC.No.182 of 2018 on the file of the learned Principal District Munsif cum Judicial Magistrate, Tirupattur to any other Judicial Magistrate Court in Madurai.

For Petitioner : Mr.S.M.A.Jinnah



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For R1 : Mr.SS.Madhavan
Government Advocate (Crl.side)
For R2 to R4 : Mr.S.Sades Kumar

ORDER

This petition is filed seeking transfer of C.C.No.182 of 2018 from the file of the learned Principal District Munsif cum Judicial Magistrate, Tirupattur to any other Judicial Magistrate Court in Madurai.

2.It is submitted by the learned counsel for the petitioner/the defacto complainant that based on the complaint given by the petitioner, a case has been registered against the accused in Crime No.228 of 2017 for the offence punishable under Sections 294(b) and 506(2) IPC and Section 4 of Tami Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and the same was taken on file in CC.No.182 of 2018 by the learned District Munsif cum Judicial Magistrate, Tirupattur.

3.The petitioner has sought for transfer on two grounds. Firstly, there is a threat from the accused, as there are number of cases pending against them and secondly, the Presiding Officer of the Court is known to the Advocate of the



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4.As per the records, there are no instances, where the accused person have either threatened or intimidated or tried to intimidate the petitioner. No complaint is filed before the police nor before the Presiding Officer of the Court about any threat from the accused in this case. The petitioner has not filed any records to show that the accused person are also involved in other similar cases. Therefore, the ground, on which the petitioner is seeking transfer that there is a threat to the life of the defacto complainant in the hands of the accused cannot be accepted.

5.In respect of the second ground that the counsel for the defacto complainant is known to the Presiding Officer of the Court is concerned, if at all the petitioner counsel is known to the Presiding Officer of the Court, the defacto complainant can either engage other counsel and if the defacto complainant is still of the opinion that the same counsel shall assist him, then other option left for the petitioner is to move an application before the learned Principal District Munsif cum Judicial Magistrate, Tirupattur, for transfer of the case to any other Court within the Madurai District.



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6.At this stage, the learned counsel for the petitioner requested the Court to permit him to withdraw this petition in order to file the same before the learned District Munsif cum Judicial Magistrate.

7.By recording the submissions made by the learned counsel for the petitioner, the petitioner is permitted to withdraw this petition by giving liberty to the petitioner to move the similar petition before the learned Principal Subordinate Judge concerned seeking transfer of C.C.No.182 of 2018 from the file of learned District Munsif cum Judicial Magistrate, Tirupattur to any other competent Court within Madurai District.

8.With the above direction, this Petition is disposed of as withdrawn.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

- 1.The Inspector of Police,
Tirupattur Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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