



CrI.O.P.No.21305 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.21305 of 2025

A.Dinesh

... Petitioner

Vs.

1. The Inspector of Police,
Hasthampatty Police Station,
Salem District.

2. Thetheshwaran

(R2 is impleaded as per the order dated 13.08.2025 in
CrI.M.P.No.15434 of 2025 in CrI.O.P.No.21305 of 2025)

... Respondents

PRAYER : Criminal Original Petition is filed under Section 447 of BNSS, to pass an order to withdraw the case in S.C.No.59 of 2025 on the file of the Chief Judicial Magistrate, Salem District and transfer to the Additional District Judge at Kallakurichi District.

For Petitioner : Mr.T.Balachandran

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

For R2 : Mr.M.Dinesh



Crl.O.P.No.21305 of 2025

WEB COPY

ORDER

The Criminal Original Petition has been filed seeking to transfer the proceedings in S.C.No.59 of 2025, pending on the file of the Chief Judicial Magistrate, Salem District to the file of the learned Additional District Judge at Kallakurichi District.

2. Heard the learned counsels appearing for both the petitioner and the second respondent and the learned Additional Public Prosecutor.

3. The contention of the learned counsel appearing for the petitioner is that based on the complaint given by the de facto complainant/second respondent herein, a First Information Report in Crime No.373 of 2024 was registered for the offence under Sections 296(b), 126(2), 109(2) & 351(3) of BNS @ Sections 296(b), 351(3) & 109(1) of BNS. After completion of investigation, a charge sheet was filed and the case was taken on file by the learned Chief Judicial Magistrate, Salem District, in S.C.No.59 of 2025. He further submitted that on the date of hearing, the de facto complainant, who is an Advocate practicing in Salem District, along with others, threatened



Crl.O.P.No.21305 of 2025

the petitioner/accused and made life threats. Since there is no protection to the life of the petitioner, he is before this Court seeking transfer of the case.

4. On perusal of the nature of the allegations, it is seen that the entire case is of a private and personal nature arising out of a relationship dispute. Therefore, without going into the merits of the case, considering the apprehension raised by the petitioner and in order to ensure a free and fair trial and to prevent interference with the witnesses or the accused either by the complainant or the accused, this Court is inclined to transfer the proceedings to another district court.

5. Accordingly, the proceedings in S.C.No.59 of 2025 pending on the file of the Chief Judicial Magistrate, Salem are transferred to the file of the Additional District and Sessions Court, Bhavani, Erode District. The learned Additional District and Sessions Judge, Bhavani, is directed to conduct the trial on a day to day basis and dispose of the same in accordance with law. The entire case records shall be transmitted from the file of the Chief Judicial Magistrate, Salem, to the file of the Additional District and Sessions Court, Bhavani, Erode District.



Crl.O.P.No.21305 of 2025

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02.09.2025

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Neutral Citation:Yes/No

To

1. The Additional District and Sessions Court,
Bhavani, Erode District.
2. The Chief Judicial Magistrate, Salem District.
3. The Inspector of Police,
Hasthampatty Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.21305 of 2025

N. SATHISH KUMAR, J.

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Crl.O.P.No.21305 of 2025

02.09.2025