



CrI.O.P(MD) No.6449 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD) No.6449 of 2024

1.Babu @ Chandra Babu

2.Sree Krishna Perumal

... Petitioners/
Accused Nos.1 and 2

Vs.

1.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No.410/2022

... 1st Respondent/Complainant

2.S.Bharath

...2nd Respondent/Defacto
Complainant

3.The Secretary,
Bar Council of Tamil Nadu,
Chennai.

4.The Secretary,
Kanyakumari District Bar Association,
Kanyakumari.
(R3 and R4 are *suo-motu* impleaded by this Court
vide order dated 24.06.2025)

Prayer: Criminal Original Petition is filed under 528 of BNSS, to transfer C.C.No.70 of 2023 on the file of the learned Judicial Magistrate-II, Nagercoil to any other Court.



WEB COPY



CrI.O.P(MD) No.6449 of 2024

For Petitioner : No appearance
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
For R2 : Mr.C.T.Perumal
For R3 : Mr.Niranjan S.Kumar
For R4 : Mr.S.Ananth

ORDER

This Writ Petition is filed to transfer the case in C.C.No.70 of 2023 on the file of the learned Judicial Magistrate-II, Nagercoil to any other Court.

2. The allegations made by the petitioners is that a complaint has been lodged by the second respondent / an Advocate and therefore, the Advocates from Kanyakumari District Bar Association prevented the appearance of any Advocate from the Kanyakumari District Bar Association and also prevented other Advocates from the State to defend the case of the petitioners before the Court. Therefore, the petitioners have filed this petition, seeking transfer the case in C.C.No.70 of 2023 on the file of the learned Judicial Magistrate-II, Nagercoil, to any other Court.

2 / 7



WEB COPY

3. Today, there is no representation for the petitioners. Even in the previous hearing (i.e) on 22.07.2025, there was no representation for the petitioners.

4. This Court has considered the nature of allegations and the Tamil Nadu Bar Council and Kanyakumari District Bar Association were added as respondent Nos.3 and 4, respectively, in this petition, vide order dated 24.06.2025.

5. The learned counsel for the fourth respondent would submit that they have not passed any resolution as projected by the learned counsel for the petitioner.

6. The respondent No.2 has also entered appearance through a counsel and submits that he has not preferred any complaint before the Bar Council and no such resolution has been passed.

7. The learned counsel for the third respondent would submit that they have also verified with the Bar Association of Kanyakumari District and found that there is no such resolution passed preventing the appearance



CrI.O.P(MD) No.6449 of 2024

of any Advocate in the petitioners' case.

WEB COPY

8. Further the learned counsel for the third respondent would submit that in fact, the petitioners have filed a suit as against three persons in O.S.No.16 of 2017 on the file of the I Additional District Munsif Court, Nagercoil. A counsel by name S.Bharath, the second respondent herein, has entered appearance for the defendants in the said suit. The said suit was dismissed on 22.09.2022. Further, the second respondent has lodged a complaint as against the petitioners that these petitioners have criminally intimidated the second respondent on 07.10.2022 not to appear in O.S.No. 16 of 2017. The respondent Police registered a complaint, enquired the same and a final report has also been filed as against the petitioners in C.C.No.70 of 2022 before the learned Judicial Magistrate-II, Nagercoil.

9. The learned counsel for third respondent / the Tamil Nadu Bar Council by referring to the C.C.No.70 of 2022 would submit that the petitioners have represented through a counsel in all the hearings in C.C.No. 70 of 2022. However, now, they made a bald allegation.

10. This court considered the submissions of the respective parties.



CrI.O.P(MD) No.6449 of 2024

WEB COPY

11. The petitioners have filed this application that they have been prevented from contesting / defending the case in C.C.No.70 of 2022 before the learned Judicial Magistrate II, Nagercoil. Therefore, the petitioners have filed this application seeking transfer of the proceedings in C.C.No.70 of 2022 from the file of the learned Judicial Magistrate-II, Nagercoil to some other Magistrate Court.

12. Since the petitioners have made serious allegations against the Bar Association of Kanyakumari District, this Court has taken cognizance of this petition and also granted an interim order, vide order dated 09.07.2025. After obtaining the interim order, it appears that the petitioners have not prosecuted this petition.

13. Considering the submissions made by the learned counsel for the respondent Nos.2 to 4, this petition is closed with a direction to the learned Judicial Magistrate No.II, Nagercoil, to conduct the trial in a fair and unbiased manner. In the event, if the petitioners are prevented from defending their case, it is the responsibility of the learned Judicial



CrI.O.P(MD) No.6449 of 2024

Magistrate No.II, Nagercoil, to ensure the safety of the petitioners and their
counsels, if any.

14. With the above direction, this Criminal Original Petition is
closed.

29.07.2025

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

Indu

To

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



WEB COPY



Crl.O.P(MD) No.6449 of 2024

B.PUGALENDHI, J.

Indu

Crl.O.P(MD) No.6449 of 2024

29.07.2025