



CRL.OP(MD) No.6397 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.OP(MD) No.6397 of 2025

Girinivasa Prasath

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

(Crime No. 41 of 2016).

2. Saravana Prasad

3. Greesa Prasad

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to withdraw the case in P.R.C.No.19 of 2022 on the file of the Judicial Magistrate, Eraniel, Kanyakumari District and transfer the same to the Judicial Magistrate, Valliyur, Tirunelveli District.



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For Petitioner : Mr. S.Ramasamy

For R-1 : Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct to withdraw the case in P.R.C.No.19 of 2022 on the file of the Judicial Magistrate Court, Eraniel, Kanyakumari District and transfer the same to the Judicial Magistrate Court, Valliyur, Tirunelveli District.

2. According to the petitioner, he is the defacto complainant in this case and based on his complaint a case in Crime No.41 of 2016 was registered for the offences under Sections 307, 506(2), 294 (b) and 324 of IPC. Thereafter, the case has been elaborately investigated and filed the final report. Now the case is pending for committal in P.R.C.No.19 of 2022. Due to threats made by some advocates and friends of the accused, the petitioner is unable to attend the hearing before the Trial Court and therefore, he seeks to transfer the case to some other Court.



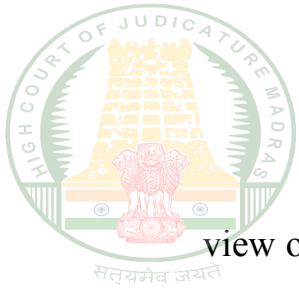
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3. The learned Government Advocate (Criminal Side) appearing for the first respondents would submit that based on the complaint lodged by the petitioner, they registered a case in Crime No.41 of 2016. Already, they filed the final report and based on the same, the case is pending in P.R.C stage before the Judicial Magistrate Court, Eraniel. The allegations levelled by the petitioner are denied and not known to the 1st respondent and there is no occasion for the petitioner to come for the hearings to the Magistrate Court and this petition is liable to be dismissed.

4. Considering the prayer sought for in this petition, this Court even without issuing notice to the respondents no.2 and 3 inclined to pass orders in this petition.

5. According to the petitioner, he is the defacto complainant in this case and facing threats from the respondents no.2 and 3 to attend the hearing before the Magistrate Court and thereby, the P.R.C has to be transferred to some other Court. As rightly pointed by by the learned Government Advocate, at the stage of P.R.C, the petitioner has no occasion to appear for hearing before the Judicial Magistrate Court Therefore, there is no any ground to transfer the case in this petition. In



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view of the same, this petition has no merits and deserves to be dismissed.

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Accordingly, this Criminal Original Petition is dismissed.

07.04.2025

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

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To

1. The Judicial Magistrate Court,
Eraniel.

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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