

*CrI OP(MD)Nos.13221 of 2025
and 13240 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrIOP(MD)Nos.13221 and 13240 of 2025

and

CrIMP(MD)No.10447 of 2025

in CrIOP(MD)No.13221 of 2025

Balamurugan

... Petitioner

Vs.

1.The State of Tamil Nadu rep by
the Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.
[in Crime No.711 of 2021]

2.Subramanian

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, to withdraw the calender case in CC.No.64 of
2024 on the file of the Judicial Magistrate Court, Pattukottai, Thanajvur
district and to transfer the same to the file of any other competent court in
Tiruchirappalli district or in Chennai district.



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For Petitioner : Mr.CM.Arumugam

For R1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For R2 : Mr.V.R.Shanmuganathan,
for Mr.J.Senthi Kumaraiah

in CrIOP(MD)No.13240 of 2025

1.Balamurugan

2.B.Prasanthini

... Petitioners

Vs.

1.The Director General of Police,
Beach Road, Chennai.

2.The Superintendent of Police,
Thanajvur, Thanajvur District,

3.The Deputy Superintendent of Police,
Pattukottai Division,
Thanajvur District.

4.The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.
[in Crime No.711 of 2021]

5.Subramanian

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, to direct the 1st and 2nd respondents to provide
adequate police protection to the life and limbs of the petitioners from the
unlawful and high handed activities of the 4th respondent by considering



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the petitioner's representation dated 03.03.2025 and the subsequent
representations to the respondents.

For Petitioner : Mr.CM.Arumugam

For R1 to R4 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For R5 : Mr.V.R.Shanmuganathan
for Mr.J.Senthi Kumaraiah

COMMON ORDER

The petitioner Balamurugan is facing the trial in CC.No.64 of 2024 on the file of the learned Judicial Magistrate, Pattukottai, for the charge under Sections 417, 419, 420, 465, 466, 468, 120(B), 471 of IPC and Sections 35 and 36 of Aadhaar (Targeted Delivery of Finance and Other Subsidies Benefits and Services) Act, 2016. He has filed CrIOP(MD)No.13221 of 2025 seeking to transfer the said case to some other court. He has also CrIOP(MD)No.13240 of 2025 along with her wife B.Prasanthini seeking police protection to their life and limbs from the the private respondent Subramanian, who is the defacto complainant in CC.No.64 of 2024.

2.Since both petitions are interconnected, this court disposes of both these petitions by this common order. For the sake of convenience and clarity,

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the parties are referred to as per the rank in CrIOP(MD)No.13240 of 2025.

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3.The 2nd petitioner Prasanthini is the daughter of the 5th respondent.

Both petitioners loved each other and got married in the office of the Sub Registrar, Kumbakonam on 28.09.2021. The 1st petitioner Balamurugan belongs to scheduled caste and his wife belongs to backward community. The 5th respondent Subramanian did not accept their marriage and he lodged a complaint as against the 1st petitioner. The case was registered as against the 1st petitioner in Crime No.711 of 2021 on the file of the Athirampattinam Police Station for the offence under Sections 452, 366 and 380 of IPC. The respondent police has also filed the final report as against the 1st petitioner before the learned Judicial Magistrate, Pattukottai and the same is now pending in CC.No. 64 of 2024. The petitioner has made the following allegations in support of his prayer to transfer the said case to some other court:

i.On 16.07.2025 he came along with his parents for attending the court, however he could enter into the court hall.

ii.On 31.07.2025 also similar incident took place, they cannot enter into the court hall and around 15 advocates appeared on behalf of the 2nd respondent, created panic in the court hall and around 15 hooligans and local



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communal leaders were also present in the court campus along with the 5th respondent to finish off his life.

iii.The 1st petitioner's parents reported the same to the learned Judicial Magistrate and lodged a complaint before the Legal Services Authority in LA.No.96 of 2025 and the same has been forwarded to the police.

4.The learned counsel for the petitioner has also pointed out the following incidents:

i.The 5th respondent has filed a habeas corpus petition before this Court in HCP(MD)No.234 of 2022, wherein the 1st petitioner along with 2nd petitioner appeared and she expressed her willingness to go along with 1st petitioner and therefore, HCP(MD)No.234 of 2022 was disposed of on 01.03.2022.

ii.Thereafter 2nd petitioner has been forcibly taken from the 1st petitioner's custody, she was put under threat. The 1st petitioner has also filed a Habeas Corpus Petition in HCP.No.1254 of 2022 before this court, wherein under threat and coercion, the 1st petitioner's wife has stated that she was willing to go along with her parents.



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iii. A writ petition in WP(MD)No.1666 of 2023 was also filed in the name of 2nd petitioner to cancel their marriage registration certificate. 2nd petitioner has left her parents house and also joined with the 1st petitioner.

iv. Another case was registered as against the 1st petitioner and others in Crime No.122 of 2025 on 04.03.2025 for the offence under Sections 138 and 333 of BNS, as if the 1st petitioner has forcibly taken his wife along with 30 sovereigns of jewels with rowdy elements.

v. The 2nd petitioner has submitted a representation to the Inspector of Police, Athirampattinam and also to the Deputy Superintendent of Police, Orathanadu expressing her stand by way of registered post and requested the officials treat the same as her statement.

vi. The 2nd petitioner has lodged another complaint to the Superintendent of Police and to various other police officials on 14.07.2025.

5. The learned counsel by referring to the representation of the 2nd petitioner submits that the 2nd petitioner Prasanthini is now four months pregnant and living with her husband Balamurugan. It is also reported before this court that the 5th respondent / defacto complainant is an influential person, who is running a school in the locality.



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6.The learned Additional Public Prosecutor appearing for the respondent police submits that there is no life threat as claimed by the petitioners and the allegations are made in order to drag on the proceedings. He further submits that petitioner is not appearing before the trial court, evading the proceedings and now has filed this petition in order to drag on the proceedings. He further submits that a non bailable warrant of arrest is pending against the 1st petitioner from 12.08.2025.

7.The learned counsel for the 5th respondent has relied on certain cases, which are pertaining to the 1st petitioner's brother Sakthivel and submits that the 1st petitioner's brother is a notorious criminal and he is having several cases to his credit and also cheated girls in similar manner. He has pointed out that the convenience of the witnesses also have to be considered.

8.This court considered the rival submissions made.

9.The 1st petitioner Balamurugan has married the 2nd petitioner Prasanthini, who is the daughter of the 5th respondent Subramanian. Balamurugan and Prasanthini seeking police protection have filed



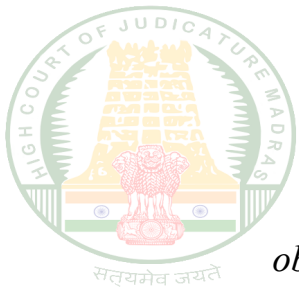
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CrlOP(MD)No.13240 of 2025, wherein they have claimed that she is four months pregnant now. The sequences of Habeas Corpus Petitions filed before this court reveal that 5th respondent is attempting to get her daughter back. It is also reported that he is an influential person and running a school in Athirampattinam.

10.It is represented that the 1st petitioner belongs to the scheduled caste and 5th respondent belongs to the backward community. The 5th respondent is prosecuting the case as against the 1st petitioner and his family. This court has also perused the B-dairy and the same is extracted as under:

“ Date : 16-07-2025 : Adirampattinam Police Station Versus Balamurugan - A2 to A8 present. Await summon to A10. Appearance direction not obeyed by A1. Absent Petition filed and allowed. Advocate Mr.K.Karthikeyan filed vakalath for defacto complainant and recorded. For A1 Advocate S.Deenathayalan filed vakalath and stated that a1 has life threat therefore not able to come the reasons are recorded. For personal appearance of A1. Call on 31.07.2025.”

Date 31.07.2025: Adirampattinam Police Station Versus Balamurugan - A4 to A8 present. A2, A3, A9 called absent. Absent Petition filed and allowed. A1 called absent. A1 not

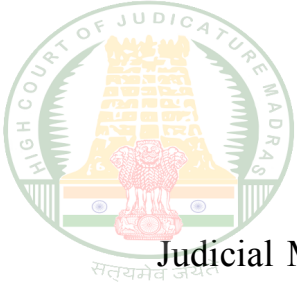


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obeyed the direction of this court. Advocate for defacto complainant Mr.K.Karthikeyan appeared before the court and insist the court A1 must appear before the court. APP present. On 17.07.2025 mother of A1 appeared before this court and give the complaint and stated that there is life threat to my son (A1). On 16.07.2025 when A1 come to court family of defacto complainant and their gang followed and stopped my son then with the help of Police force A1 return back to his home, therefore defacto complainant and their gang is trying to kill my son(A1). Therefore this court, received the complaint and sent the same to pattukkottai town police station to take necessary action. Today A1 called absent. A1 counsel present and filed absent petition and reason stated that there is life threatening to A1, therefore not able to appear. otherwise not willingly avoid to appear. the reasons are satisfied to this court for interest of justice this petition is allowed. For past 3 hearings A1 not appear before this court and not obeyed the direction of this court. Therefore this court direct to A1 shall appear before this court on next hearing compulsory without fail. Otherwise this court will issue non bailable warrant against A1. Await summon to A10. Call on 12.08.2025."

11.Considering the sequence of events and the materials placed before this court, this court is of the view that allowing the trial before the learned



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Judicial Magistrate, Pattukottai may not be safe for the 1st petitioner and other accused in CC.No.64 of 2024 and also in order to ensure a fair trial, this court transfers the case in CC.No.64 of 2024 from the file of the learned Judicial Magistrate, Pattukottai to the learned Judicial Magistrate No.I, Trichy.

12.The respondent police are directed to provide necessary protection to the petitioners as and when required.

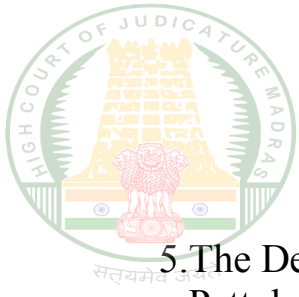
13.With the above directions these criminal original petitions are allowed. Consequently connected miscellaneous petition is closed.

29.08.2025

DSK

- 1.The Judicial Magistrate, Pattukottai
- 2.The Judicial Magistrate No.I, Trichy.
- 3.The Director General of Police,
Beach Road, Chennai.
- 4.The Superintendent of Police,
Thanajvur, Thanajvur District,

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5.The Deputy Superintendent of Police,
Pattukottai Division,
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6.The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.

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



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B.PUGALENDHI.J.

DSK

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