



Crl.O.P.(MD)No.21438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.21438 of 2024

J.Thirupathiraj

.. Petitioner

Vs.

1. The Station Housing Officer
Dindigul Town North Police Station
Dindigul

2. V. Moorthy

.. Respondents

PRAYER : Criminal Original Petition filed under Section 447 of BNSS to withdraw the case in S.C.No.167 of 2017 on the file of the Assistant Sessions Judge/Chief Judicial Magistrate Court, Dindigul and transfer to some other district Assistant Sessions Judge/Chief Judicial Magistrate Court.

For Petitioner	: Mr.J.Thirupathiraj
(Party-in- Person)	
For Respondents	: Mr.M.Sakthi Kumar
No.1	Government Advocate(Crl.Side)
No.2	: Mr. Ramesh Siva (Legal aid counsel)

ORDER

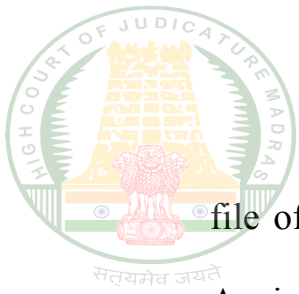
This Criminal Original Petition has been filed by the petitioner to withdraw the case in S.C.No.167 of 2017 on the file of the Assistant



Crl.O.P.(MD)No.21438 of 2024

Sessions Judge/Chief Judicial Magistrate Court, Dindigul and transfer the same to some other Assistant Sessions Judge/Chief Judicial Magistrate Court.

2. The case against the petitioner is that the petitioner and A1 already questioned the unlawful assembly of the wrong doers before the court hall at several times. On 12.04.2014 the advocates belonging to Dindigul bar association locked the main entrance gate of the court premises at Dindigul and conducted demonstration in front of the Court. The said illegal acts of the advocates were questioned by the first accused and the first accused filed a case to declare the acts of the advocates as unlawful and to take action against the wrong doers before the Court. Due to the above said reason the advocates have developed motive against the first accused. While being so on 17.06.2015 when the petitioner along with the first accused went to the court for attending the case at that time the defacto complainant along with 50 others attacked the petitioner and the first accused for which a case has been registered in Crime No.712 of 2015 for the offences under Sections 147,323,506(i) of IPC and counter to that complaint of the first accused, the defacto complainant lodged complaint and the same was taken on file in S.C.NO.167 of 2017 on the



Crl.O.P.(MD)No.21438 of 2024

file of the Assistant Sessions Judge/ Chief Judicial Magistrate, Dindigul.

Against which quash petition was filed in Crl.O.P(MD) No.4700 of 2022 and this Court has dismissed the petition by ordering dispensing with the personal appearance of the petitioner. Thereafter second quash petition was filed and the same was also dismissed. He would further submit that he is attending more than 110 hearings, for which 309(2) of the petition filed but the learned Judge dismissed the petition. Further the witnesses of the case are all advocates from the same bar so that weightage of the defacto complainant is so strong than the accused/victims. The petitioner would submit that he is arrayed as A2 in this case and the defacto complainant in this case is Dindigul Bar Association Secretary. He would further submit that the trial Court without furnishing copies under Section 207 of Cr.P.C., made committal proceedings and not followed the Criminal Rules of practice. He would further submit that he has not cross examined P.W.1. Further the petitioner is also the victim and he has also lodged a complaint as against the defacto complainant and a counter case has also been registered in Crime No.712 of 2015, for which final report was not filed.

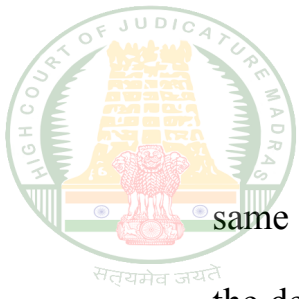


WEB COPY

3. The learned Government Advocate(Crl.side) appearing for the respondent would submit that the petitioner is an advocate and the defacto complainant is also an advocate, due to mis understanding between two groups of advocates they attacked each other and cases as against both the groups were registered. As against this petitioner now the case is posted for trial and P.W.1 was chief examined, the counter case is under investigation. At this stage this petition is filed and therefore the present petition is liable to be dismissed.

4. This Court also called for remarks from the concerned Presiding Officer and the Presiding Officer filed his remarks and denied all the allegations levelled against him.

5. In this case the petitioner levelled serious allegations against the Presiding Officer without any basis. These type of allegation without any basis cannot be accepted and the attitude of the petitioner by levelling allegations are highly condemnable and these type of petitions cannot be entertained by this Court. However once the petitioner made allegations against the Presiding Officer it is not proper to conduct the case before the



Crl.O.P.(MD)No.21438 of 2024

same Presiding Officer. More over there are some allegations as against the defacto complainant that he is the officer bearer of the bar association and causing disturbance to the conduct of the case before the learned Chief Judicial Magistrate, Dindigul. This Court without accepting the allegations levelled against the Presiding Officer is inclined transfer the case.

6. Accordingly the case in Spl.S.C.No.167 of 2017 pending the file of the Assistant Sessions Judge/Chief Judicial Magistrate, Dindigul is ordered to be transferred to the file of the Chief Judicial Magistrate Court, Madurai. The learned Assistant Sessions Judge/Chief Judicial Magistrate, Dindigul is directed to send the case bundle in Spl.S.C.No. 167 of 2017 to the Chief Judicial Magistrate Court, Madurai within one month from the date of this order. After receipt of case records the Assistant Sessions Judge/Chief Judicial Magistrate, Dindigul, learned Chief Judicial Magistrate, Madurai is directed to issue summons to the petitioner and other accused and to proceed with the case in accordance with law. As far as the counter case is concerned it is for the investigation officer to file final report within one month from the date of this order. If any positive report filed then the petitioner can approach this court for transfer of the



Crl.O.P.(MD)No.21438 of 2024

said case to have simultaneous trial along with this case as per the dictum laid down by the Hon'ble Supreme Court in the case of ***Nathilal and others .vs State of U.P and another*** reported in **1990 (Supp) SCC 145**

7. With the above direction, the Criminal Original stands allowed.

24.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav
To

1. The Assistant Sessions Judge/Chief Judicial Magistrate, Dindigul
2. The Chief Judicial Magistrate, Madurai
3. The Station Housing Officer
Dindigul Town North Police Station
Dindigul
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21438 of 2024

P.DHANABAL,J.

aaV

Crl.O.P.(MD)No.21438 of 2024

24.02.2025