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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.20202 of 2025
and
Crl.M.P.(MD)No.17077 of 2025

Palpandiyan ... Petitioner/Defacto Complainant

Vs.

1.The State of Tamil Nadu rep. by,
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.286 of 2023) ... 1st Respondent/Complainant

2.Annapillai

3.Perumal

4.Pandidurai

5.Annakodi ... Respondents 2 to 5/Accused 1 to 4

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Principal District and Sessions Judge, Theni, to withdraw the case on its file in S.C.No.138 of 2024 and transfer the same to some other Court other than Theni District.

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For Petitioner : Mr.S.Arokia Selva Ramesh

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : Mr.Dilipan Pandian

ORDER

The petitioner seeks a direction to the learned Principal District and Sessions Judge, Theni to withdraw the case in S.C.No.138 of 2024 and transfer the same to some other Court other than Theni District.

2. It is the case of the petitioner that he is the defacto complainant in S.C.No.138 of 2024 and the trial is yet to commence; that the respondents 2 to 5, who are accused in the said case, are threatening the petitioner and are forcing him to turn hostile; and that therefore, unless the case is transferred, the petitioner would be under fear of death and cannot depose freely.

3. The learned Additional Public Prosecutor however would submit that if the petitioner apprehends danger or the second and third respondents have threatened the petitioner of any dire consequences, the petitioner ought to have approached the first respondent, which has not been done so far; and that as and when the petitioner approaches the first respondent for police protection, they

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would certainly provide police protection to the petitioner and comply with the Witness Protection Scheme.

4. In view of the above submission, this Court is of the view that there is no reason to transfer the case for the reason stated by the petitioner. If the petitioner is threatened by any person, he is at liberty to approach the first respondent, who shall consider the same and provide adequate protection to the petitioner to enable him to depose freely in the case.

5. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

19.11.2025

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

To

1.The Inspector of Police,
Andipatti Police Station,
Theni District.

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

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SUNDER MOHAN, J.

Lm

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