



Crl.O.P.(MD)No.22495 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22495 of 2024

and

Crl.M.P.(MD)Nos.14043 and 14045 of 2024

1.A.Hari @ Hariharan
2.Ponnarasan
3.Mariappan
4.Muthuraj
5.R.A.Srinivasan
6.Manisankar
7.Chellappa
8.Suresh

... Petitioners

Vs.

1.State, Rep. by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No.1510 of 2020)

2.Prammanayagam

... Respondents

PRAYER : Criminal Original Petition filed under Section 447 of the B.N.S.S., to withdraw and transfer P.R.C.No.335 of 2023, on the file of the Judicial Magistrate Court No.I, Tirunelveli, to some other Court, situated in the neighbouring District.



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For Petitioners : Mr.C.Mayilvahana Rajendran

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R2 : Mr.S.Palani Velayutham

ORDER

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 19.12.2024, which reads as follows:-

"The petitioners, who are accused in P.R.C.No.335 of 2023, had filed this transfer petition.

2. The contention of the petitioners is that the first petitioner is the owner of Sri Madhuras Hotel and the petitioners 6 and 7 are brothers, yet another accused A9, another brother, is no more. The second respondent/defacto complainant had targeting the hotel of the petitioners filed false complaint against them. There are around 60 complaints filed against them before the Consumers Court. The second respondent claiming himself to be an expert in the Consumer Court cases, in his credit around 880 complaints in Tirunelveli, Thoothukudi, Nagercoil District are there and he has reputation, filed complaints without the complainant's knowledge and there is a case of perjury also pending against him. He further submitted that since the second respondent is an Advocate



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having large clouds, the trial before the Tirunelveli Sessions Court would not be in the interest of justice. Hence, sought for transfer of trial in P.R.C.No.335 of 2023 from the file of learned Judicial Magistrate No.I, Tirunelveli to any other Sessions Court other than Tirunelveli, Nagercoil and Thoothukudi.

3. The learned Additional Public Prosecutor submitted that the second respondent is an Advocate and he has filed lot of complaints before the District Consumers Court. With regard to the transfer, it is for the second respondent, notice to go to the second respondent, who has to be heard.

4. Considering the same, notice to the second respondent through Court as well as privately returnable by 08.01.2025. The first respondent police also to inform the second respondent about the pendency of the above transfer petition.

5. The learned counsel for the petitioners submitted that one more complaint filed by one Joseph against the second respondent for perjury is pending, in which transfer application has been filed in Crl.O.P(MD).No.6639 of 2024.

6. Post this matter along with Crl.O.P(MD).No.6639 of 2024 on 08.01.2025."

2. Pursuant to the above-mentioned order, Mr.S.Palani Velayutham, learned counsel for the second respondent appeared before this Court and submitted that, in the transfer petition, the petitioners had



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made unnecessary and baseless allegations against the second respondent without any supporting material. He further stated that the second respondent predominantly practices in the Consumer Court and that the allegations are unfounded.

3. The learned counsel for the petitioners fairly submitted that the petitioners are not maintaining any of the allegations against the second respondent and are withdrawing the same. Their only plea now is that the case in P.R.C.No.335 of 2023, now pending before the Judicial Magistrate Court No.I, Tirunelveli, and committed to the Court of Sessions at Tirunelveli, has yet to be numbered, and they request that the said case be transferred to the Sessions Court in Madurai District. Both the learned counsel for the petitioners and the learned counsel for the second respondent have agreed to the said request, and the learned Additional Public Prosecutor appearing for the first respondent has no objection.

4. In view of the above, the learned Principal District Judge, Tirunelveli, is directed to take the case on file and transfer it to the



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learned Principal District Judge, Madurai, who shall either try the case himself or assign it to an appropriate Sessions Court in Madurai.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

22.01.2025

NCC : Yes / No

Index : Yes / No

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Copy to:-

1.The Principal District Judge,
Tirunelveli.

2.The Principal District Judge,
Madurai.

To

1.The Judicial Magistrate No.I,
Tirunelveli.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

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



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M.NIRMAL KUMAR, J.

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Order made in
Crl.O.P.(MD)No.22495 of 2024

Dated: 22.01.2025