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W.P.Crl.No.15 of 2026
CRL OP No. 7564 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.04.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**W.P.Crl.No.15 of 2026 &
W.P.M.P.Crl.Nos.2 & 3 of 2026
and
CRL OP No. 7564 of 2026 & Crl.M.P.No.5418 of 2026**

R.S.Venkatesan
S/o.Somasundaram,
Having Office at No.81, Sadasivam Street,
Udumalpet,
Tiruppur.

..Petitioner in both cases

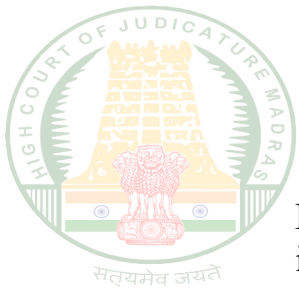
Vs

The Inspector of Police,
District Crime Branch,
Tiruppur District.

..Respondent in both cases

Prayer in W.P.Crl.No.15 of 2026: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, praying to call for the records of the learned Chief Judicial Magistrate Court, Tiruppur made in proceedings in A.No.80/2025 D.No.2303/2025 dated 08.10.2025 and quash the same insofar as C.C.No.148 of 2023 is concerned and consequently direct the learned Judicial Magistrate Court No.I, Udumalpet for a speedy disposal.

PRAYER in Crl.O.P.No.7564 of 2026: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records and quash the summons to witness dated 05.02.2026 in C.C.No.2986 of 2025 pending on the file of the learned Judicial Magistrate Court No.II, Tiruppur.



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For Petitioner(s):
in both cases

Mr.V.Ragavachari, Senior Counsel
for Mr.N.Umapathi

For Respondent(s):
in both cases

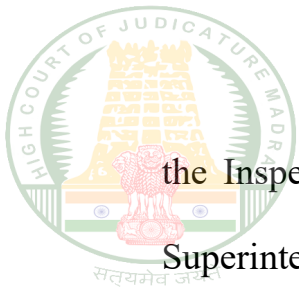
Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

COMMON ORDER

The Writ Petition has been filed challenging the order passed by the learned Chief Judicial Magistrate, Tiruppur in A.No.80/2025 D.No.2303/2025 dated 08.10.2025 in C.C.No.148 of 2023 and for a consequential direction to the learned Judicial Magistrate No.I, Udumalpet to continue with the trial in C.C.No.148 of 2023 and to speedily dispose the same without delay.

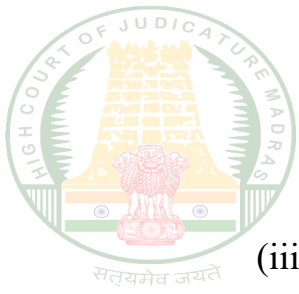
2.The Criminal Original Petition has been filed seeking to quash the summons issued to the petitioner dated 05.02.2026 in C.C.No.2986 of 2025 pending on the file of the learned Judicial Magistrate Court No.II, Tiruppur.

3.(i) The petitioner is a member of M/s.Udumalpet Nadar Uravin Muraiyar Sangam and he lodged a complaint stating that there have been irregularities in the loan repayment, illegal sale of Sangam properties and submission of forged documents to the Registrar of Societies by the accused persons. On his complaint, a case in Crime No.2330 of 2011 registered for offence under Sections 120(B), 420, 467, 468, 471, 294(B) and 307 of I.P.C. by



the Inspector of Police, Udumalpet Police Station. Pending investigation, the Superintendent of Police, Tiruppur District transferred the case to the Anti-Land Grabbing Prohibition Special Cell, Tiruppur District on 27.01.2012. The Inspector of Police, Land Grabbing Prohibition Special Division completed the investigation and filed charge sheet before the Special Court for Anti Land Grabbing cum Additional Mahila Court, Tiruppur.

(ii) A batch of cases challenging the establishment of Special Land Grabbing Courts came up for hearing before the Hon'ble Apex Court in Civil Appeal Nos.1580-1608/2022 and the Apex Court by order dated 04.05.2023 defined that land encroachment is different from land grabbing. It was held that proper procedures were not followed in establishing Courts for enquiring into the offence of land grabbing and ordered that all cases pending in the Special Anti-Land Grabbing Courts in Tamil Nadu should be transferred to the Regular Court having ordinary jurisdiction. Following the said judgment, this Court reviewed the matter and issued an office memorandum (R.O.C.No.93405/A/2021/1G) on 10.05.2023 to the Principal District and Sessions Judge, Tiruppur, who passed an order in A.No.270/2023 dated 12.05.2023 transferring all cases pending on the file of the Special Court for Anti-Land Grabbing Cases to the respective jurisdictional Courts, thereby C.C.No.148 of 2023 was transferred to the file of Judicial Magistrate Court No.I, Udumalpet.



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(iii) During the pendency of the case, one of the accused Duraisamy filed a petition before this Court in Crl.O.P.No.32873 of 2013 seeking to quash the case and his case was quashed by an order dated 10.04.2015. This was challenged before the Hon'ble Apex Court in SLP Crl.A.No.1993 of 2022. The Hon'ble Apex Court, by an order dated 16.11.2022, set aside the order of this Court and directed the trial Court to complete the trial within a period of one year, considering the nature of the case and for speedy justice. However, though three years lapsed, the trial could not be completed within the period of one year. During the trial, the prosecution examined PW1 to PW9, but the accused in that case not cross examined the witnesses. In the meanwhile, 5 witnesses died due to prolongation of the trial. Thereafter the accused filed a petition under Section 311 Cr.P.C. to cross examine the witnesses, which was allowed. Thereafter, PW2-Ramakrishnan was cross-examined for about two months and the accused dragging on the proceedings for more than 4 years for one reason or other, disobeying the order passed by the Hon'ble Apex Court. At this stage, when the case was pending for examination of the remaining prosecution witnesses, a doubt was caused by the learned Trial Judge as to whether the case to be transferred to Judicial Magistrate Court No.II, Tiruppur, which is the designated Court to try all District Crime Branch cases or the case to be continued with the learned Judicial Magistrate No.I, Udumalpet.



(iv) The learned Public Prosecutor made his objections and the respondent police also objected stating that this case cannot be transferred on the orders of the Chief Judicial Magistrate. The case against one of the accused was earlier quashed by this Court, which was taken to Hon'ble Apex Court. The Hon'ble Apex Court specifically directed the trial Court/Judicial Magistrate No.I, Udumalpet to complete the trial within a period of one year. Thus, when the Apex Court directed the Judicial Magistrate No.I, Udumalpet to complete the trial, thereafter the order of the Chief Judicial Magistrate cannot have a supervening effect and the case cannot be transferred. But the Judicial Magistrate No.I, Udumalpet written a letter dated 17.09.2025 for transferring the case from the file of Judicial Magistrate Court No.I, Udumalpet to Judicial Magistrate Court No.II, Tiruppur and the Chief Judicial Magistrate, by order dated 08.10.2025 transferred the case to Judicial Magistrate Court No.II, Tiruppur. The petitioner made a complaint in this regard to the learned Sessions Judge, Tiruppur on 15.10.2025 and the learned Sessions Judge had directed the learned Chief Judicial Magistrate to submit a report. However, till date, the learned Chief Judicial Magistrate not submitted any report.

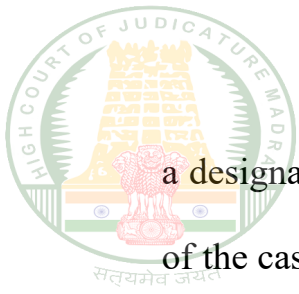
4.The contention of the petitioner is that Section 408 of Cr.P.C./Section 448 of BNSS confers power upon Sessions Judge to pass an order of transfer, if it is expedient for the ends of justice, of any particular case from one Criminal Court to another Criminal Court in his sessions division and the High Court and



Sessions Judge may exercise its jurisdiction on the report of the lower Court or on the application of a party interest or on its own initiative. Thus the Code of

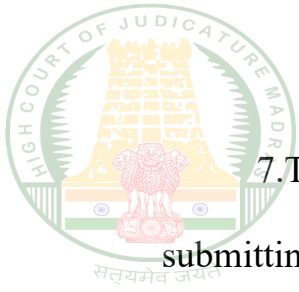
Criminal Procedure confers on the power upon Supreme Court, High Court and Sessions Court on transfer of cases. Now the basic question is whether the Chief Judicial Magistrate has the power to transfer the case from one Court to another Court on an application being moved or on its own.

5.As regards Crl.O.P.No.7564 of 2025, the learned Senior Counsel submitted that earlier the case was tried by learned Judicial Magistrate No.I, Udumalpet, witnesses examined and the case against one of the accused was quashed by this Court, against which, the petitioner filed an appeal before the Hon'ble Apex Court in SLP Crl.A.No.1993 of 2022 and the Apex Court directed the trial Court/Judicial Magistrate Court No.I, Udumalpet to complete the trial within a period of one year but the trial Court was unable to complete the trial and the Hon'ble Apex Court by its order dated 29.08.2025 in Miscellaneous Application No.1476 of 2025 in Crl.A.No.1993 of 2022, extended the time by six months for disposal of C.C.No.148 of 2023. Hence, the Hon'ble Apex Court had given a specific direction to the Judicial Magistrate No.I, Udumalpet to conclude the trial. In such circumstances, this case cannot be tried as yet another case and Chief Judicial Magistrate cannot pass orders transferring the case from Judicial Magistrate No.I, Udumalpet to Judicial Magistrate No.II, Tiruppur. Though Judicial Magistrate Court No.II, Tiruppur is



a designated Court for District Crime Branch cases, the exception circumstance of the case and orders of the Apex Court ought to have been considered. Despite the objections raised by the petitioner and the Public Prosecutor, neither the Judicial Magistrate No.I, Udumalpet nor the Chief Judicial Magistrate, Tiruppur considered the same and now case transferred and kept pending on the file of Judicial Magistrate Court No.II, Tiruppur, further to it the Judicial Magistrate No.II, Tiruppur sent summons to the witnesses.

6.The learned Senior Counsel further submitted that in this case, F.I.R. registered on 27.07.2011, charge sheet filed on 29.05.2013, almost all witnesses and accused are residing within the jurisdiction of Judicial Magistrate No.I, Udumalpet. It would be beneficial for both the witnesses and the accused, if the case is tried by the learned Judicial Magistrate No.I, Udumalpet and not in Judicial Magistrate No.II, Tiruppur. The District Crime Branch prosecuting the case before the Judicial Magistrate No.I, Udumalpet and so far 9 witnesses examined and remaining witnesses can be examined by Judicial Magistrate No.I, Udumalpet. The designated Court for District Crime Branch is only for administrative convenience and nothing more, otherwise, Judicial Magistrate No.I, Udumalpet and Judicial Magistrate No.II, Tiruppur are having equal jurisdiction.



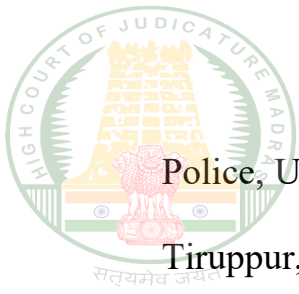
7. The learned Additional Public Prosecutor filed a status report submitting that based on the complaint, a case registered by the Inspector of Police, Udumalpet Police Station, Tiruppur District in Crime No.2330 of 2011 for offences punishable under Sections 120(B), 420, 467, 468, 471, 294(b) and 307 of I.P.C. against the accused persons on 27.07.2011. During investigation, on 27.01.2012, the Superintendent of Police, Tiruppur District transferred the case to Anti-Land Grabbing Prohibition Special Cell, Tiruppur District. Thereafter investigation completed, charge sheet filed on 29.05.2013 before the Judicial Magistrate No.I, Udumalpet listing 45 witnesses and the same taken on file in C.C.No.148 of 2023. So far, PW1 to PW9 examined. During the pendency of the trial, the learned Judicial Magistrate No.I, Udumalpet addressed a letter to the Chief Judicial Magistrate, Tiruppur. Based on the proceedings of the Chief Judicial Magistrate, Tiruppur in A.No.61 of 2019 dated 29.07.2025, Tiruppur District Gazette Judicial Notification No.2 dated 14.05.2025, the Chief Judicial Magistrate, Tiruppur passed further proceedings in D.No.2303 of 2025 dated 08.10.2025 transferring the case from the file of Judicial Magistrate Court No.I, Udumalpet to Judicial Magistrate Court No.II, Tiruppur. The case, which is pending trial in C.C.No.148 of 2023 has been transferred to Judicial Magistrate Court No.II, Tiruppur and taken on file in C.C.No.2986 of 2025 on 30.12.2025. The case was posted for cross examination of PW1 to PW5 on 10.04.2026. At this stage, the present petition is filed before this Court.



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8.He further submitted that even before the trial Court, the prosecution raised objection for the transfer of case from Judicial Magistrate Court No.I, Udumalpet to Judicial Magistrate Court No.II, Tiruppur for the reason that in this case all the witnesses are hailing in and around Udumalpet and so far 9 witnesses examined. Except PW2, none of the witnesses cross examined and further the witnesses are aged persons and are suffering from illness. Travelling from Udumalpet to Tiruppur would cause hardship for the witnesses and major transactions took place within the jurisdiction of Udumalpet. Except for the investigating agency, which is the District Crime Branch, Tiruppur, all other happenings are in Udumalpet and the case is in progress and soon the case can be completed. Further there is a specific direction from the Hon'ble Apex Court to complete the trial within a stipulated period and already petition seeking extension of time filed and extension obtained. Thus, the learned Chief Judicial Magistrate, Tiruppur without considering factual aspects of the case, transferring the case is not proper. Due to the administrative order, the progress of the case is stalled. It would be in the interest of justice, the case continued and tried by learned Judicial Magistrate No.I, Udumalpet.

9.Considering the submissions made and on perusal of the materials, it is seen that on the complaint of the petitioner, a case in Crime No.2330 of 2011 registered on 27.07.2011. The investigation was taken up by the Inspector of

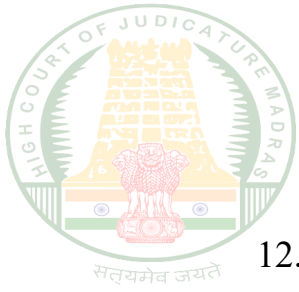


Police, Udumalpet. Thereafter on the directions of the Superintendent of Police, Tiruppur, the case was transferred to Anti-Land Grabbing Prohibition Special Cell, Tiruppur and charge sheet filed before learned Judicial Magistrate No.I, Udumalpet against 10 persons. Earlier quash application was filed by A6 to A10 in Crl.O.P.No.32873 of 2013 and this Court by order dated 10.04.2015, quashed the F.I.R. in Crime No.2330 of 2011. Thereafter the petitioner/de facto complainant preferred an appeal before the Hon'ble Apex Court in SLP Crl.A.No.1993 of 2022. The Hon'ble Apex Court, by order dated 16.11.2022, set aside the order of this Court and directed the Judicial Magistrate No.I, Udumalpet to complete the trial within a period of one year. It is to be seen that the Judicial Magistrate No.I, Udumalpet forwarded a request through the Principal District Judge, Tiruppur seeking extension of time to complete the trial in C.C.No.148 of 2023. The Hon'ble Apex Court in Miscellaneous Application No.1476 of 2025 in Crl.A.No.1993 of 2022, by order dated 29.08.2025, granted six months time to complete the trial in C.C.No.148 of 2023. Thus the direction of the Hon'ble Apex Court is to the Judicial Magistrate No.I, Udumalpet to complete the trial in C.C.No.148 of 2023. Such being the factual position, the learned Chief Judicial Magistrate by the impugned order transferring the case from Judicial Magistrate Court No.I, Udumalpet to Judicial Magistrate Court No.II, Tiruppur is not proper, violating the orders of the Hon'ble Apex Court.



10. In this case, the learned Judicial Magistrate No.I, Udumalpet made a request in D.No.3518/2025 dated 17.09.2025 seeking transfer of C.C.No.148 of 2023 and the learned Chief Judicial Magistrate, Tiruppur in A.No.80/2025 dated 08.10.2025 ordered transfer of C.C.No.148 of 2023. The learned Chief Judicial Magistrate, Tiruppur ought not to have ordered transfer of C.C.No.148 of 2023, considering the previous proceedings of C.C.No.148 of 2023, which went up to the Apex Court and Apex Court had given a direction to complete the trial within a stipulated period, thereafter extension of time was sought by the Judicial Magistrate No.I, Udumalpet through Principal District Judge, Tiruppur. In such circumstances, special attention ought to have been given to C.C.No.148 of 2023 considering the fact that F.I.R. registered in the year 2011, charge sheet filed in the year 2013, so far 9 witnesses examined of which, majority of the witnesses not cross examined. In the meanwhile, several miscellaneous petitions under Sections 91 and 311 of Cr.P.C. filed by the accused. It is also to be seen that PW2 was cross examined for more than two months. Thus, in this case it is apparent dilatory tactics adopted.

11. This Court finds that the transfer of the case is based on the administrative order passed by the learned Chief Judicial Magistrate, Tiruppur, and no notice was issued either to the de facto complainant or to the accused in C.C.No.148 of 2023 and the case was transferred administratively. In view of the same, notice to the accused in C.C.No.148 of 2023 is dispensed with, as not required.



12. In the result,

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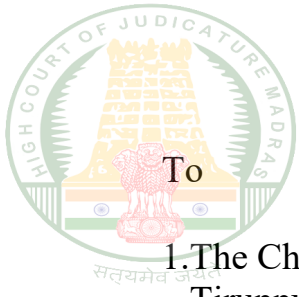
(i) The proceedings of the learned Chief Judicial Magistrate, Tiruppur passed in A.No.80/2025 D.No.2303/2025 dated 08.10.2025 with regard to C.C.No.148 of 2023, is hereby quashed. The learned Judicial Magistrate No.II, Tiruppur is directed to transfer all the records pertaining to C.C.No.148 of 2023 to the Judicial Magistrate Court No.I, Udumalpet forthwith. Accordingly, W.P.Crl.No.15 of 2026 is allowed. Consequently, the connected Miscellaneous Petitions are closed.

(ii) The summons dated 05.02.2026 issued to the petitioner to appear before the Court in C.C.No.2986 of 2025 (C.C.No.148 of 2023), which is a corollary act after transfer of the case, is also hereby quashed. Accordingly, Crl.O.P.No.7564 of 2026 is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

(iii) The learned Judicial Magistrate No.I, Udumalpet to take the case on file, proceed with the trial and to complete the trial expeditiously without further delay.

01.06.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI



To

1.The Chief Judicial Magistrate,
Tiruppur.

2.The Judicial Magistrate No.I,
Udumalpet.

3.The Judicial Magistrate No.II,
Tiruppur.

4.The Inspector of Police,
District Crime Branch,
Tiruppur District.

5.The Public Prosecutor,
High Court, Madras.

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W.P.Crl.No.15 of 2026
CRL OP No. 7564 of 2



M.NIRMAL KUMAR, J.

RSI

**Pre-delivery common order in
W.P.Crl.No.15 of 2026
and
CRL OP No. 7564 of 2026**

01.06.2026