



Crl.R.C.(MD)No.1219 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.08.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.R.C.(MD)No.1219 of 2026
& Crl.M.P.(MD)No.14683 of 2026

R.Krishnasamy Janarthanan

... Petitioner

Vs.

State of Tamilnadu,
Rep. by the Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
Crime No.403 of 2023

... Respondent

PRAYER : Revision filed under Sections 442 r/w. 438 of BNSS, to call for Crl.M.P.No.728 of 2025 in CC No.1566 of 2024 on the file of the Judicial Magistrate No.IV, Tirunelveli and set aside the same and consequently discharge the petitioner herein.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.C.Susikumar

Government Advocate (Crl.)



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ORDER

Challenging the impugned order dated 02.07.2026 passed by the learned Judicial Magistrate No.IV, Tirunelveli in Crl.M.P.No.728 of 2025 in CC No. 1566 of 2024, this Criminal Revision Case has been filed.

2. The learned counsel appearing for the petitioner submitted that a case in Crime No.403 of 2023 was registered as against the petitioner, which culminated in laying charge sheet in CC No.1566 of 2024. As far as the complaint lodged by the petitioner as against the de facto complainant in CC No.1566 of 2024 is concerned, the same is kept pending by the respondent police. However, without following the mandates of the full bench judgment of this Court in *T.Balaji vs. The Inspector of Police, New Washermenpet Police Station, Chennai*¹, the impugned order came to be passed dismissing the discharge petition.

3. The learned Government Advocate drew my attention to the directions issued by this Court in *T. Balaji's* case, wherein it has been clearly

¹ Crl OP.N4587 of 2024 batch



held that, in cases involving violation of PSO 566 in matters relating to the case and counter-case, the remedy available to the aggrieved person is to approach this Court under Section 528 of the BNSS, 2023. Having failed to avail such remedy, the petitioner cannot seek discharge on the ground of non-compliance with PSO 566. It has also been categorically held by the Full Bench that, once the trial is permitted to go on, mere non-compliance with PSO 566 would not, ipso facto, vitiate the trial.

4. Heard the learned counsel on either side and carefully perused the materials available on record.

5. As rightly pointed out by the learned Government Advocate, since the trial has not yet commenced, this Court is of the view that the petitioner may be given liberty to work out the remedy available to him under Section 528 of the BNSS, 2023.

6. Accordingly, this Criminal Revision Case is disposed of, granting liberty to the petitioner to file an appropriate petition under Section 528 of the BNSS, 2023, within a period of one week from the date of receipt of a copy of this order. If the petitioner fails to avail such remedy within the aforesaid



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period, there shall be no impediment for the learned Trial Court to proceed with the trial in accordance with law. Consequently, connected miscellaneous petition is closed.

07.08.2026

NCC : Yes / No
Index : Yes / No
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Note: Issue order copy on 10.08.2026.



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TO:-

1. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.R.C.(MD)No.1219 of 2026

Dated
07.08.2026