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Crl.O.P.No.16536 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16536 of 2024

N.Sathish

... Petitioner/Defacto complainant

/versus/

1. State by Inspector of Police,
Tambaram Police Station.

... 1st Respondent

2. S.Jayasree.

3. Sridharan.

4. Jayanthi.

5. Sundaresan.

6. Sri Vignesh.

7. Rakesh.

... 2 to 7 Respondents/Accused

Prayer: Criminal Original Petition has been filed under Section 528 of BNSS, to direct the respondent police to register the complaint as per the directions issued by the Learned Judicial Magistrate Court No.1, Tambaram in Crl.M.P.No.1503 of 2023.

For Petitioner : Mr.S.Suresh

For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For R2 to R7 : Mr.C.Prakasam



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ORDER

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This Criminal Original Petition is filed seeking direction to implement the order of the Judicial Magistrate-I, Tambaram dated 29.04.2024 on a petition filed under Section 156(3) of Cr.P.C.

2. The Order of the Judicial Magistrate-I, Tambaram, which is now sought to be implemented reads as below:-

“On perusal of petition, it is seen that, the petitioner is alleged to be threatened by 2nd, 5th and 6th respondents along with hench men outside Tambaram AWPS for which complaint was lodged in Tambaram Police Station on 19.09.2023 and also forwarded complaint to Commissioner as no action is taken on complaint of the petitioner, this petition is filed seeking directions to register FIR. On perusal of case records, offence of criminal intimidation is alleged to be committed by A2, A5, A6 and hence Inspector of Police, Tambaram Police Station is directed to conduct investigation in accordance with law and if at all during investigation any cognizable offence is made out Inspector of Police, Tambaram Police Station is directed to register an FIR and if no cognizable offence is made out Inspector of Police, Tambaram Police Station is directed to file a report before this court at the earliest.”



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3. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent states that the 1st respondent police has completed the preliminary enquiry and filed closure report on 28.02.2024 before the Judicial Magistrate.

4. The Learned Counsel for the petitioner submitted that after direction of the Judicial Magistrate no enquiry was conducted by the 1st respondent and the closure report is without proper investigation. Regarding the allegation made by the petitioner, it is left open for him to place it before the Judicial Magistrate before whom the closure report is filed.

5. The Learned Judicial Magistrate shall consider the protest petition and proceed further in accordance with law.

6. Accordingly, this Criminal Original Petition is disposed of.

15.07.2024

Index :Yes/No.
Internet :Yes/No.
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Dr.G.JAYACHANDRAN, J.

bsm

To:-

1. The Judicial Magistrate Court No.1, Tambaram.
2. The Inspector of Police, Tambaram Police Station.
3. The Public Prosecutor, High Court, Madras.

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15.07.2024