



Crl.O.P.(MD)No.14235 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14235 of 2024

and

Crl.M.P.(MD)Nos.8828 & 9894 of 2024

M.Gopalakrishnan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
Melur, Madurai District.

3.The Inspector of Police,
Melavalavu Police Station,
Melur Taluk, Madurai District.
(Crime No.39 of 2020)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the trial proceedings in Spl.S.C.No.25 of 2021 on the file of the learned III Additional District Judge PCR Act Cases, Madurai to be kept in abeyance until the second respondent files FIR and charge sheet as per the order made in Crl.MP.No.4339 of 2023 on the file of the learned Judicial Magistrate, Melur dated 12.07.2024.



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For Petitioner : Mr.G.Karuppasamy Pandian,
for M/S.Dinesh K.

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed seeking orders to direct the trial proceedings in Spl.S.C.No.25 of 2021 on the file of the learned III Additional District Judge PCR Act Cases, Madurai to be kept in abeyance until the second respondent files FIR and charge sheet as per the order made in Crl.MP.No.4339 of 2023 on the file of the learned Judicial Magistrate, Melur dated 12.07.2024.

2.When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents would submit that the learned Magistrate, vide order in Crl.MP.No.4339 of 2023, dated 12.07.2024, has directed the Inspector of Police to conduct enquiry, within one month and in the enquiry, if any cognizable offence is disclosed, he has to register FIR and if cognizable offence is not



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disclosed, he has to submit a report, within one week and that in pursuance of directions, enquiry was conducted by the second respondent and submitted a report on 14.08.2024.

3.At this juncture, the learned counsel appearing for the petitioner would submit that after getting information, they have already filed a private complaint before the jurisdictional Court and the same is pending.

4.Since the present petition has become infructuous, the petitioner is at liberty to proceed with the private complaint. The learned Judicial Magistrate, Melur is directed to proceed with the private complaint. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

18.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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To

- 1.The III Additional District Judge PCR Act Cases,
Madurai.
- 2.The Judicial Magistrate, Melur
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 4.The Deputy Superintendent of Police,
Melur, Madurai District.
- 5.The Inspector of Police,
Melavalavu Police Station,
Melur Taluk, Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

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