



Crl.O.P.(MD)No.15734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15734 of 2024

B.Jisma

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent police to comply the order passed by the learned Judicial Magistrate, Eraniel in Crl.M.P.No.6311 of 2023 dated 04.11.2023 and take action against the petitioner's complaint dated 15.01.2023.

For Petitioner : Mr.N.Karthikeyan

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



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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the second respondent police to comply the order passed by the learned Judicial Magistrate, Eraniel in Crl.M.P.No.6311 of 2023 dated 04.11.2023 and take action against the petitioner's complaint dated 15.01.2023.

2. It is seen from the records that the learned Judicial Magistrate, Eraniel in Crl.M.P.No.6311 of 2023 vide order dated 04.11.2023 directed the respondent police to conduct an enquiry and proceed in accordance with the chapter XII of Code of the Criminal Procedure and file the final report within the time prescribed by the law.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that in pursuance of the said direction, the respondent police conducted enquiry and in the enquiry, they came to know that DVC petition filed by the petitioner invoking Domestic Violence Act is pending in DVC.No.06 of 2023 on the file of the Judicial Magistrate No.I, Padmanabhapuram and that they have filed the report,



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but he would fairly concede that the said report came to be filed before the Court on 18.09.2024 subsequent to the filing of the present petition.

4. As rightly contended by the learned counsel appearing for the petitioner, mere pendency of the DVC case does not debar or prohibit the respondent police to comply with the directions of the Court.

5. Considering the above, the respondent police is directed to comply with the directions of the learned Magistrate dated 04.11.2023 within a period of ten days from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition stands disposed of.

19.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To
1. The Superintendent of Police,
Kanyakumari District at Nagercoil.



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K.MURALI SHANKAR,J.

csn

- 2.The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.15734 of 2024

Dated: 19.09.2024