



Crl.O.P.(MD)No.16667 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16667 of 2024

Murugan

... Petitioner

Vs.

The Inspector of Police,
Karivalamvanthanallur Police Station,
Sankarankovil Taluk,
Tenkasi District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent to register an FIR on the complaint given by the petitioner 26.07.2022 as per the order of the learned Judicial Magistrate, Sankarankovil in Cr.M.P.No.1262 of 2023 dated 28.05.2024 and investigate the same in accordance with law.

For Petitioner : Mr.V.Muthuvelan

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

ORDER

The Criminal Original Petition has been filed, invoking Section



Crl.O.P.(MD)No.16667 of 2024

WEB COPY

528 B.N.S.S., seeking orders to direct the respondent to register an FIR as per the order of the learned Judicial Magistrate, Sankarankovil in Cr.M.P.No.1262 of 2023 dated 28.05.2024 and investigate the same in accordance with law.

2. It is evident from the records that the petitioner has earlier filed a petition under Section 156(3) Cr.P.C. to register an FIR in Crl.M.P.No. 20 of 2023 and the learned Magistrate vide order dated 08.06.2023 directed the respondent police to conduct a detailed enquiry and submit a report and also observed that in case if any cognizable offence is made out during the enquiry, FIR has to be registered and in pursuance of the said direction, the respondent police has submitted a report and that aggrieved by the said enquiry closure report, the petitioner has filed a petition in Crl.M.P.No.1262 of 2023 under Section 173(8) Cr.P.C. and the learned Magistrate, after considering the report, not satisfying with the report has set aside the report and directed the SHO K.V.Nallur to conduct a detailed inquiry and submit a report at the earliest.

3. The learned counsel appearing for the petitioner would submit that despite the above direction, the respondent police has failed to



Crl.O.P.(MD)No.16667 of 2024

register an FIR. But as rightly pointed out by the learned Additional Public Prosecutor, the learned Magistrate has not given any specific direction to register an FIR but on the other hand, directed the SHO to conduct a detailed inquiry. He would further submit that enquiry is in progress and they will file a report within a period of one week.

4. Considering the above, the respondent is directed to file a report as directed by the learned Magistrate in Cr.M.P.No.1262 of 2023 dated 28.05.2024 within a period of one week from the date of receipt of a copy of this order.

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

01.10.2024

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

To

- 1.The Inspector of Police,
Karivalamvanthanallur Police Station,
Sankarankovil Taluk, Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.16667 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.16667 of 2024

Dated: 01.10.2024