



Crl.O.P.(MD)No.18672 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18672 of 2024

Paulraj

... Petitioner

Vs.

1.Krishnan @ Johnson

2.State represented by
The Sub Inspector of Police,
Kulasekaram Police Station,
Kulasekaram,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records in connection with the closure report dated 02.04.2023 filed by the second respondent and set aside the same, consequently direct the second respondent to register the complaint in furtherance of the order passed in C.M.P.No.5240 of 2022 dated 20.01.2023 on the file of the learned Judicial Magistrate Court No.II, Padmanabhapuram, Kanyakumari District.

For Petitioner : Mr.C.Suresh Kannan

For R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



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ORDER

The Criminal Original Petition has been filed seeking orders to set aside the closure report filed by the second respondent dated 02.04.2023 before the jurisdictional Court and for further direction to the second respondent to register an FIR in furtherance of the order passed in C.M.P.No.5240 of 2022 dated 20.01.2023 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram.

2. The learned Magistrate, in the order passed in Cr.M.P.No.5240 of 2022 dated 20.01.2023, has not given any specific direction to register an FIR, but on the other hand, directed the concerned police to hold a preliminary enquiry within a period of 7 days from receipt of copy of that order and if any cognizable offence is made out, shall register a case and conduct investigation in accordance with law and shall complete the same within 30 days and file report of compliance.

3. The learned Government Advocate (Criminal Side) appearing for the second respondent would submit that in pursuance of the direction of the learned Magistrate, preliminary enquiry was conducted



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and taking note of the fact that there existed civil dispute between the parties, directing the parties to approach civil Court to sort out their issues filed a report before the Judicial Magistrate on 02.04.2023.

4. Since the second respondent has complied with the direction of the Court, the question of directing the second respondent to register an FIR at this stage does not arise at all. Hence, this Court concludes that the petition is devoid of merit and the same is liable to be dismissed.

5. In the result, this Criminal Original Petition stands dismissed.
The petitioner is at liberty to file a private complaint, if so advised.

29.10.2024

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

To

1. The Sub Inspector of Police,
Kulasekaram Police Station,
Kulasekaram,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.18672 of 2024

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