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CRL OP No. 5717 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 5717 of 2025

T.Kannan
S/o.Thippannan,
No.64/3, First Street,
Srinivasa Nagar,
Vasavi College Post,
Erode Taluk and District.

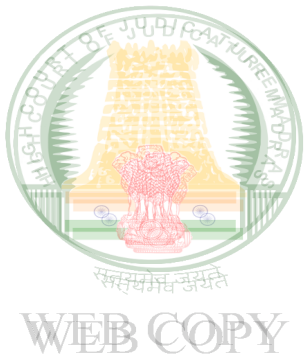
Petitioner(s)

Vs

The State Rep. by its,
The Inspector of Police,
Vellithirupur Police Station,
Erode District.

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the respondent to register a FIR based on the complaint dated 11.06.2024 and the enquiry conducted by the respondent.



For Petitioner : Mr.P.Vijendran
For Respondent(s): Mr.K.M.D.Muhilan
Government Advocate (Criminal
Side)

ORDER

This Criminal Original Petition is filed to direct the respondent police to register a FIR based on the complaint dated 11.06.2024 and the enquiry conducted by the respondent.

2. The learned counsel for the petitioner submitted that the petitioner had purchased the agricultural land from one Eswaran, to an extent of 3 Acres 71 cents, which was registered vide Reg.No.2766/2023. Subsequent to the purchase of the aforesaid property, the petitioner is in possession and enjoyment of the same and doing agricultural work. When such being so, one T.Mummoorthy, has been threatening the petitioner from March 2024, stating that 0.91 cents of land is vest with him out of 3 acres and 71 cents, which was already purchased by the petitioner as stated supra. Therefore, the petitioner has lodged a complaint to the Superintendent of Police, Erode on 11.06.2024 and



the same was forwarded to the respondent on 19.06.2024. Thereafter, the respondent recorded the statements and the respondent sent the petitioner's complaint, documents and the statements of the witness to the Assistant Director of Prosecution (ADP), Erode District for legal opinion to register FIR, and in turn, the ADP opined that to approach the Court and get remedy. Hence, the petitioner filed the present petition.

3. Heard both sides and perused the materials available on record.

4. Considering the submissions made by the learned counsel on either side, this Court is of the view that if the complaint is pending before the respondent police for more than a period of four years, the petitioner can approach the concerned jurisdictional Court by way of filing a private complaint. Only after exhausting the provisions under Section 126 of BNSS, the petitioner has to file a petition before this Court. Hence, the prayer sought for in this petition cannot be granted. However, the petitioner is directed to approach the concerned Court by way of filing a private complaint in the manner known



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5. Accordingly, the Criminal Original Petition is dismissed.

28-02-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The State Rep. by its,
The Inspector of Police,
Vellithirupur Police Station,
Erode District.
2. The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN J.

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