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Crl.O.P.No.2495 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2495 of 2025

P.Muralikrishnan

... Petitioner

Vs

1. The Superintendent of Police,
Coimbatore District,
Coimbatore – 18.

2. The Inspector of Police,
District Crime Branch,
Coimbatore.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to direct the respondents to comply with the order in Crl.M.P.No.6553 of 2024, Judicial Magistrate No.1, Pollachi, to enquire upon this complaint and to take necessary steps to direct the respondents to register an FIR and to take legal action against the accused.

For Petitioner : Mr.P.V.Selvakumar

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.side)



Crl.O.P.No.2495 of 2025

WEB COPY

ORDER

This petition has been filed seeking direction directing the respondents to comply with the order in Crl.M.P.No.6553 of 2024, Judicial Magistrate No.1, Pollachi, to enquire upon this complaint and to take necessary steps to direct the respondents to register an FIR and to take legal action against the accused.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The learned Government Advocate (Crl.side) appearing for the respondents submitted that for the very same set of allegations, there are so many victims. On receipt of the complaint from one of the victims, already FIR has been registered in Crime No.14 of 2023, on the file of the second respondent and it is pending for investigation. For the very same set of allegations, now the petitioner lodged a complaint and also filed a petition for direction before the learned Judicial Magistrate under Section 175 of BNSS in Crl.M.P.No.6553 of 2024.



Crl.O.P.No.2495 of 2025

WEB COPY

4. The learned Judicial Magistrate I, Pollachi, by an order dated 10.09.2024 in Crl.M.P.No.6553 of 2024 directed the second respondent to take appropriate action, on the complaint lodged by the petitioner and to file a report within a period of 30 days. For the very same set of allegations another complaint has been lodged, in which the victim filed a petition for transfer of investigation. This Court, by an order dated 10.09.2024 in Crl.O.P.No.13468 of 2024 directed the Inspector General of Police, West Zone to transfer the investigation to any Officer not below the rank of Deputy Superintendent of Police attached to the District Crime Branch, Coimbatore for further investigation.

5. In view of the above, the Deputy Superintendent of Police, District Crime Branch, Coimbatore is directed to complete the investigation in Crime No.14 of 2023 and file a final report, within a period of six months from the date of receipt of a copy of this order. The Investigation Officer is directed to treat the petitioner as one of the witnesses, since on the very same set of allegations two FIRs cannot be registered and it is not permissible under BNSS, 2023.



Crl.O.P.No.2495 of 2025

WEB COPY

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

03.02.2025

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

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WEB COPY



Crl.O.P.No.2495 of 2025

To

1. The Superintendent of Police,
Coimbatore District,
Coimbatore – 18.
2. The Inspector of Police,
District Crime Branch,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.2495 of 2025

G.K.ILANTHIRAIYAN. J.

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