



WEB COPY



Crl.O.P.No.8255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8255 of 2025

T. Vivekanandan

... Petitioner

Versus

1.State rep.by,
The Inspector of Police,
T12, Poonamalee Police Station,
Chennai. (Crime No.983 of 2024)

2. Geetha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the remand order passed by the learned Judicial Magistrate No.2, Poonamalee, Chennai, dated 15.02.2025 pending investigation in Crime No.983 of 2024 on the file of the first respondent.

For Petitioner : Mr. C. V. Kumar

For Respondents : Mr. A. Gopinath, (for R1)
Government Advocate (Criminal Side)



Crl.O.P.No.8255 of 2025

ORDER

WEB COPY

This petition has been filed by the petitioner/defacto complainant, challenging the order passed by the learned Judicial Magistrate No.2, Poonamalee, dated 15.02.2025 and thereby rejecting the accused remand.

2. The gist of the case is that the petitioner is the defacto complainant. Based on his complaint, a case in Crime No.983 of 2024 was registered for the offences under Sections 465, 468, 467, 471 and 420 of IPC, alleging that the petitioner owned a premises at Kattupakkam near Poonamalee, which was leased out in favour of the accused. The accused forged the signature of the petitioner and sub-let the premises to a third party. Therefore, the first respondent registered the said First Information Report in Crime No.983 of 2024, and produced the accused before the Judicial Magistrate, Poonamalee for remand, which was rejected. As against which, the petitioner/defacto complainant has filed the present petition.



Crl.O.P.No.8255 of 2025

WEB COPY

3. Heard the learned counsel on either side and perused the materials available on record.

4. Upon perusal of the records, it is evident that the petitioner is the defacto complainant and the second respondent is the accused. The learned Judicial Magistrate No.2, Poonamalee, rejected the remand on the ground that the accused is blind and there is no possibility of tampering with evidence in terms of Section 35(1)(i)(ii) of BNSS, and the arrest reason was not justified. Therefore, the remand of the accused into judicial custody was rejected, and she was set at liberty in terms of Section 60 read with Section 91 of BNSS.

5. In view of the above, the learned Judicial Magistrate No.2, Poonamalee, has rightly rejected the petition for remand of the accused, and this Court does not find any infirmity or illegality in the order passed by the learned Judicial Magistrate No.2, Poonamalee. Hence, the petition filed by the petitioner/defacto complainant, to set aside the remand order dated 05.02.2025 is liable to be dismissed.



Crl.O.P.No.8255 of 2025

WEB COPY

6. Accordingly, this Criminal Original Petition is dismissed.

However, this Court directs the first respondent to complete the investigation and to file a final report as expeditiously as possible.

20.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

klt

To

1.The Inspector of Police,
T-12, Poonamalee Police Station,
Chennai. (Crime No.983 of 2024)

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.8255 of 2025

G.K.ILANTHIRAIYAN, J.

klt

Crl.O.P.No.8255 of 2025

20.03.2025