



Crl.O.P.No.17384 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17384 of 2025

Savithri

... Petitioner

Vs.

1.The Deputy Commissioner of Police
St.Thomas Mount Range,
Chennai

2.The Assistant Commissioner of Police
Palavanthangal P.S.
Chennai

3.The Inspector of Police
S-9, Palavanthangal P.S.
Chennai

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 3rd respondent to investigate and register the First Information Report in pursuance of the order dated 05.09.2024 in Crl.M.P.No.3229 of 2024 on the file of the Judicial Magistrate-1, Alandur.

For Petitioner : Mr.K.Manikandan

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner to to direct the 3rd respondent to investigate and register the First Information Report in pursuance of the order dated 05.09.2024 in Crl.M.P.No.3229 of 2024 on the file of the Judicial Magistrate-1, Alandur.

2. The learned counsel for the petitioner submitted that the petitioner had lodged a complaint against his builder namely Ram Buildes represented by its partner Ramkumar before the respondent police, however, no action was taken by the respondent police. Therefore, the petitioner approached the jurisdictional Magistrate namely the Judicial Magistrate No.1, Alandur by way filing a petition under Section 173 of B.N.S.S. to direct the 3rd respondent police to register a criminal case against the said builder. The learned Magistrate, after enquiry, gave a direction to the respondent police to conduct preliminary enquiry and if such enquiry discloses the commission of cognizable offences, to register FIR or else to file a report regarding the same. However, till date, the respondent police has not registered the case and therefore, the present petition is filed.



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3. The learned Government Advocate (Crl. Side) appearing for the

respondents police submitted that subsequent to the said order passed by the learned Magistrate under Section 173 B.N.S.S., the petitioner approached the respondent police and also gave a letter that he will settle the matter with the accused and in case, they failed to comply with the conditions mentioned in the settlement, he would approach the Magistrate who passed the said order. He further submitted that the accused has filed a revision challenging the directions passed by the learned Magistrate under Section 173 B.N.S.S. and the same is pending.

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

5. It is seen that despite the directions given by the Magistrate, the petitioner has approached the respondent police and given a letter that he would settle the matter with the accused and despite knowing that the accused has filed a revision petition challenging the order passed by the Magistrate under Section 173 B.N.S.S., he has not impleaded the accused as a party to this O.P. and that he has suppressed the fact that the revision is pending, which shows that the petitioner has not approached this Court with clean hands and trying to get orders behind the back of the accused when the revision is pending. Therefore, the petitioner is not entitled to



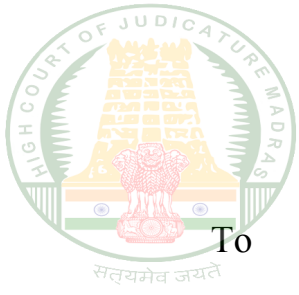
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the relief as sought for.

WEB COPY 6. Accordingly, this Criminal Original Petition is dismissed.

17.06.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

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1.The Judicial Magistrate-1, Alandur.

2.The Deputy Commissioner of Police
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3.The Assistant Commissioner of Police
Palavanthangal P.S.
Chennai

4.The Inspector of Police
S-9, Palavanthangal P.S.
Chennai

5.The Public Prosecutor,
High Court, Madras.



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