



CrI.O.P.No.18210 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.18210 of 2025

P.Rajamani

... Petitioner

Vs.

1. The Superintendent of Police
District Police Station,
Nethimedu,
Salem-636 002.

2.The Deputy Superintendent of Police,
District Crime Branch
Salem.

3.The Inspector of Police,
Sankari Police Station,
Salem District.

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to issue direction directing the respondents to number the petitioner's petition filed under Section 175(3) of BNSS Act and dispose the same in accordance with law within a time frame fixed by this Court.



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For Petitioner : Mr.R.Marudhachalamurthy
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the Magistrate to number the petitioner's complaint filed under Section 175(3) of BNSS Act and dispose the same in accordance with law within a time frame fixed by this Court.

2. The learned counsel for the petitioner submitted that the petitioner had initially lodged a complaint before the third respondent police who informed the petitioner to submit the same to their Superior and accordingly the petitioner approached the second respondent who in turn, directed the petitioner to approach the first respondent. Accordingly, the petitioner lodged the complaint to the first respondent on 26.06.2023 and the same was duly forwarded to second respondent and in turn, it was forwarded to the third



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respondent for enquiry and appropriate action. Thereafter, the third respondent

issued summons. Though the complaint was lodged way back on 26.06.2023, there was no progress despite his complaint disclosed the commission of cognizable offence. Thereafter, the petitioner sent a reminder and the same was also acknowledged by the respondents. However, the third respondent keeps on prolonging without registering FIR. Subsequently, the petitioner sent a detailed complaint to the first respondent in compliance of Section 173(3) of BNSS on 29.07.2024 requesting them to direct the competent officer to register a case and to investigate the same in accordance with law. Since there was no action, the petitioner approached the Judicial Magistrate No.6, Salem, by way of filing a complaint invoking Section 175(3) of BNSS /Section 156(3) of Cr.P.C. But the learned Magistrate returned the same without numbering on 16.05.2025 for the reason "Procedure under Sections 173(1) and 173(4) of BNSS not properly complied". The return made by the learned Magistrate was duly complied with and re-presented with proper explanation on 20.05.2025. Once again the same



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was returned on 22.05.2025 with endorsement "Previous Return not Complied".

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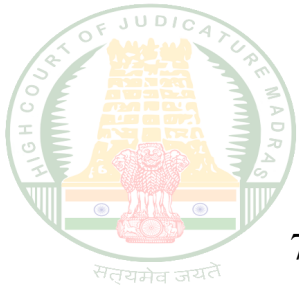
Hence, with no other option, the present petition is filed.

3. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that, on receipt of the complaint given by the petitioner, earlier summons were issued to both the parties and enquiry was conducted and thereafter, the complaint was closed advising the parties to approach the civil Court. The said fact has not been stated in the complaint filed before the Magistrate.

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

5. It is seen that already the respondents police have taken suitable action on the complaint given by the petitioner. Further, the petitioner has not disclosed the said facts in his complaint filed before the Judicial Magistrate No.6 Salem, under Section 175(3) of BNSS. Therefore, this Court is not inclined to entertain this petition by invoking Section 528 BNSS.

6. Accordingly, this Criminal Original Petition is dismissed.



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7. The respondent police is directed to send the enquiry report to the

concerned Magistrate and on receipt of the same, the Magistrate is directed to issue notice to the petitioner and on such notice, the petitioner is at liberty to work out his remedy in the manner known to law.

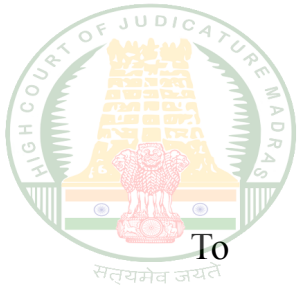
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate No.6
Salem
2. The Superintendent of Police
District Police Station,
Nethimedu,
Salem-636 002.
- 3.The Deputy Superintendent of Police,
District Crime Branch
Salem.
- 4.The Inspector of Police,
Sankari Police Station,
Salem District.
5. The Public Prosecutor
High Court of Madras, Chennai.



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P.VELMURUGAN,J.

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