



Crl.O.P.No.25506 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25506 of 2025

A.Fazlur Rehman

... Petitioner

Vs.

1.The Commissioner of Police
No.132, E.V.K.Sampath Salai
Vepery, Chennai - 600 007

2.The Deputy Commissioner of Police
Triplicane District, Triplicane
Chennai – 600 002

3.The Inspector of Police
F-2, Egmore Police Station
Chennai – 600 008

4.T.SelvaPandian @ Salaiyar
5.Sathyamoorthy Natarajan
6.Venkat
7.S.Nataraj

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, by setting aside the returned Docket Order dated 16.07.2025 passed by the learned XIV Metropolitan Magistrate, Egmore, Chennai returned in unnumbered Crl.MP.No.3566 of 2025 and consequently direct the third respondent police to register an FIR based on the petitioner complaint investigate the crime and take appropriate action against the accused in accordance with law.

For Petitioner : Mr.B.Hari Krishnan



WEB COPY



CrI.O.P.No.25506 of 2025

For Respondents : Mr.R.Vinothraja for R1 to R3
Government Advocate (CrI.Side)

ORDER

Challenging the returned Docket order dated 16.07.2025 passed by the learned Metropolitan Magistrate, Egmore, Chennai and consequential direction for the third respondent police to register an FIR based on the petitioner complaint, investigate the crime and take appropriate action against the accused in accordance with law.

2. The petitioner has filed a private complaint originally, the learned Magistrate has directed enquiry by the police and further, directed if any prima facie is found out file a report in this regard. Now, the police officials have filed a final report indicating it is only a civil case, however, the petitioner wants to pursue. The learned Magistrate has returned the same directing the petitioner to file a fresh application under Section 156(3) of CrPC.

3. At the outset, this Court is of the view that the learned Magistrate has to decide as to whether to take cognisance or not after giving opportunity to the accused under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023. Such view of the matter, the docket order returning



CrI.O.P.No.25506 of 2025

the petition stands set aside.

WEB COPY

4. Accordingly, this petition stands allowed.

17.09.2025

dhk

Neutral Citation : Yes/No

Internet : Yes/No

To

1.The Commissioner of Police
No.132, E.V.K.Sampath Salai
Vepery, Chennai - 600 007

2.The Deputy Commissioner of Police
Triplicane District, Triplicane
Chennai – 600 002

3.The Inspector of Police
F-2, Egmore Police Station
Chennai – 600 008

4. The Metropolitan Magistrate, Egmore, Chennai

5. The Public Prosecutor,
High Court of Madras.

N. SATHISH KUMAR, J.

dhk



WEB COPY



Crl.O.P.No.25506 of 2025

Crl.O.P.No.25506 of 2025

17.09.2025