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Crl.O.P.No.31103 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 31103 of 2025

Praveen Rajagopal

... Petitioner

vs.

The Inspector of Police
J8 Neelangarai Police Station
Chennai – 600 115

... Respondent

Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, to set aside the report titled “Non-Compliance of
order in CMP.No.925 of 2024” on the file District Munsif – cum – Judicial
Magistrate, Shollinganallur and conduct fresh enquiry on the incidents that
took place on 13.05.2024.

For petitioner : Mr. Guru Dhananjay

For respondent : Mr. R.Vinothraja
Government Advocate
(Criminal Side)

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ORDER

This criminal original petition is filed to set aside the report titled “Non-Compliance of order in Crl.M.P.No.925 of 2024” on the file of the District Munsif–cum–Judicial Magistrate, Sholinganallur, and conduct fresh enquiry on the incidents that took place on 13.05.2024.

2. Brief facts:

2.1 The petitioner filed a complaint under Section 175(3) Cr.P.C. before the District Munsif-cum-Judicial Magistrate, Sholinganallur in Crl.M.P. No.925 of 2024.

2.2 In the said complaint, the petitioner alleged that he had expressed his intention of marrying one Cheruba Nelson and the mother of the petitioner who was antagonized by the same, engaged certain goons and assaulted him and took away his car; the petitioner was coerced not to marry the said Cheruba Nelson and he was also kept in illegal confinement; the petitioner managed to escape from the illegal confinement and gave a complaint before the respondent police who, after much reluctance,



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registered CSR No.371 of 2024 on 14.05.2024. But, no action was taken by the respondent police and since there was continuous torment at the hands of his parents, the petitioner filed Crl.M.P. No.925 of 2024.

2.3 The learned Magistrate, on 02.12.2024, directed the respondent police to register a case and investigate as per the guidelines of the Supreme Court in **Lalitha Kumari's** case and file a final report on or before 16.12.2024. The respondent police, without registering a case, conducted an enquiry and filed a non-compliance report in Crl.M.P. No.925 of 2024.

2.4 Challenging the non-compliance report of the respondent police, the present criminal original petition has been filed.

3. Mr. Guru Dhananjay, learned counsel for the petitioner, would submit that when a direction has been issued by the learned Magistrate to register a case and investigate, the respondent police is duty bound to register a case and thereafter, investigate, whereas, the respondent police have not complied with the order of the Magistrate and hence, the present petition.



4. *Per contra*, Mr. R. Vinothraja, learned Government Advocate (Crl. Side), would submit that though there was a direction given by the learned Magistrate to register a case, since the preliminary enquiry revealed that no instance as alleged by the petitioner had happened, the respondent police did not register a case and instead, filed a non-compliance report setting out the reasons; further, the petitioner had earlier filed Cont. Petn. No.2150 of 2025 seeking to punish the respondent police for disobedience of the order passed by in Crl.M.P. No.925 of 2024 and a Division Bench of this Court, *vide* order dated 30.07.2025, finding that a direction to the police to follow the guidelines in **Lalitha Kumari's** case will not amount to a positive direction for registering a complaint and the respondent police would be at liberty to close the complaint when cognizable offence is not made out, closed the contempt petition with liberty to the petitioner to challenge the non-compliance report in the manner known to law; that apart, the non-compliance report was filed on 01.07.2025 and in the meanwhile, the contempt petition was filed by the petitioner in June 2025; *ergo*, if the petitioner is aggrieved by the non-compliance report, he can only file a protest petition against the non-compliance report and he cannot straightaway file an application under Section 482 Cr.P.C. unless there is any illegality; that apart, the respondent police have conducted a preliminary enquiry by examining the mother and other relatives of the



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petitioner and only thereafter, filed the non-compliance report; superadded, there is no illegality in the noncompliance report; hence, this criminal original petition is liable to be dismissed.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. The aforementioned facts are not in dispute. At the threshold, it is apposite to advert to the relevant portion of the order dated 30.07.2025 passed by the Division Bench in Cont. Petn. No.2150 of 2025 which reads as follows:

“2. In our view, the direction to the respondent to follow the guidelines in Lalitha Kumari’s case will not amount to a positive direction for registering the complaint and the respondent would be at liberty to close the complaint when cognizable offence is not made out. In the instant case, the respondent police had filed an affidavit dated 30.07.2025, claiming that the petitioner’s complaint was enquired and closed and the closure report has also been filed before the District Munsif-cum-Judicial Magistrate’s Court, through filing no.1215 of 2025 dated 01.07.2025. However, we find that the closure report has not been filed within two weeks time stipulated by the learned District Munsif-cum-Judicial Magistrate. Though there is a disobedience in not adhering to the time limit prescribed by the learned District Munsif-cum-Judicial Magistrate, the disobedience may not be wilful in nature.

3. In the light of these developments, we are of the view that there is no wilful disobedience of the order of the Court. Accordingly, the contempt petition is closed with liberty to the petitioner to challenge the closure report in a manner known to law.”



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7. A bare perusal of the aforesaid order would reveal that the Division Bench had granted liberty to the petitioner to challenge the non-compliance report in the manner known to law. In the opinion of this Court, non-compliance report is nothing but a closure report. If the petitioner is aggrieved by the filing of the non-compliance report filed by the respondent police, he can either file a protest petition against the non-compliance report or file a private complaint in respect of the allegations made by him. In the considered opinion of this Court, without taking recourse to either of these two options, the petitioner cannot directly file the instant petition.

8. With the aforesaid observation, this criminal original petition stands closed, granting liberty to the petitioner to either file a protest petition before the Magistrate or file a private complaint in accordance with law.

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To

1. The District Munsif–cum–Judicial Magistrate
Shollinganallur
2. The Inspector of Police
J8 Neelangarai Police Station
Chennai – 600 115
3. The Public Prosecutor
High Court of Madras



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A.D. JAGADISH CHANDIRA, J.

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