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Crl.O.P.No.32144 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.01.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.32144 of 2024

--

Mr.R.Paramasivam, S/o Rathinasamy

.. Petitioner

Vs.

1. State rep. by the Inspector of Police,
C-5 Vengal Police Station,
Thiruvallur District.

2. Mr.D.Venkatachalapathy, S/oDevaraj Naidu @ Kuppusamy Naidu

.. Respondents

Criminal Original Petition is filed under Section 528 of BNSS to direct the first respondent to execute non-bailable warrant issued issued by the Judicial Magistrate No.1, Thiruvallur, dated 05.07.2023 issued to the second respondent/accused in Crime No.31 of 2022 on the file of the first respondent/Police.

For petitioner : M/s.S.Baskar

For respondents: Mr.S.Sugendran, Addl.P.P. for R-1

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ORDER

This Criminal Original Petition is filed praying to direct the first respondent/Police to execute the non-bailable warrant issued issued by the Judicial Magistrate No.1, Thiruvallur, dated 05.07.2023 issued to the second respondent/accused in Crime No.31 of 2022 on the file of the first respondent/Police.

2. Learned Additional Public Prosecutor appearing for the first respondent/Police submitted that since the private respondent (second respondent herein)/A1 is in abroad, a look-out notice was also issued.

3. The first respondent-Police has filed counter affidavit, dated 19.01.2025 stating as follows:

(a) The case of the prosecution is that on 29.01.2022, the de-facto complainant, namely Mr.R.Paramasivam, S/o Rathinasamy, No.1/467, Kumaran Street, Padiyanallur, Redhills, Chennai-52, lodged a complaint before the first respondent-Police, in which, it is stated that on 29.01.2022 at 3 pm, when he was supervising the cultivation work in his land situated at Ammanambakkam Village, Survey Nos.45/1A1, 45/1A1B1 of an extent of 1.17 acres.

(b) One Venkatachalapathy, S/o Devarajulu and three others caused



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damages to the cement fence posts, trespassed into his land and made criminal intimidation by using filthy words with intention to grab his land.

(c) Based on the above complaint, a case was registered in C-5 Vegal Police Station in Cr.No.31 of 202 under Sections 294(b), 427 and 506(i) IPC on 31.01.2022 at about 11 hours against the accused by V.Senthil Murugan, the then Sub-Inspector of Police and he took up the case for investigation.

(d) During the course of investigation, after registering the FIR, the then Sub-Inspector of Police went to the scene of occurrence and drew rough sketch and prepared observation mahazar in the presence of witnesses and also examined the de-facto complainant and other five witnesses and recorded their statement.

(e) During the course of investigation, on 30.01.2022, at about 14.15 hours, the then Inspector of Police arrested the accused Venkatachalapathy/A1 and recorded his confession statements and produced him before the Judicial Magistrate No.1, Thiruvallur and he was released on Court bail.

(f) During the course of investigation, Vijayanaidu/A3 and Nandhakumar/A4 obtained anticipatory bail before the Judicial Magistrate Court, Thiruvallur, vide D.No.1391 of 2023, dated 01.06.2023.

(g) During the course of investigation, A1 did not comply with the conditions which were passed by the Judicial Magistrate, Thiruvallur, when bail



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was granted to him. So, the Court issued a non-bailable warrant against A1, vide D.No.1863 of 2023, dated 05.07.2023.

(h) After completion of elaborate and detailed investigation, the then Sub-Inspector of Police filed a charge-sheet against the accused before the Judicial Magistrate Court, Thiruvallur through e-filing, vide LTN20230001249C202300041, dated 11.11.2023 and the same was taken on file, vide S.T.C.No.348 of 2024 and later, re-assigned STC.No.7 of 2025, dated 08.01.2025. The Court issued non-bailable warrant against A1 and A2, dated 08.01.2025. The next date of hearing is 20.01.2025 for execution of the non-bailable warrant.

(i) Through proper channel, on 18.01.2025, the Superintendent of Police, Tiruvallur sent a requisition letter to the Assistant Director/SIC, Bureau of Immigration, New Delhi, requested that look-out circular may kindly be initiated in respect of two accused, namely Venkatachalapathy/A1 and Nandhini/A2 to detain the accused and the same is still pending.

(j) Now, the petitioner seeks to direct the first respondent to execute the non-bailable warrant (NBW) issued by the Judicial Magistrate-I, Thiruvallur, dated 05.07.2023 issued to the second respondent/accused in Cr.No.31 of 2022 on the file of the first respondent-Police.

(k) The first respondent-Police received the complaint and registered the



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case and investigated the same in a free and fair manner and now, the case is pending for trial before the Judicial Magistrate No.I, Thiruvallur and had taken steps to execute the NBW against A1 and A2 and thus, the first respondent-Police prayed to dismiss this petition.

4. The first respondent-Police is directed to take earnest efforts to secure the accused/A1, namely Mr.D.Venkatachalapathy, S/o Devaraj Naidu @ Kuppusamy Naidu.

5. With the above observations/direction, this petition is disposed of.

21.01.2025

CS

To

1. The Inspector of Police, C-5 Vengal Police Station, Thiruvallur District.
2. The Public Prosecutor, High Court, Madras.
3. Judicial Magistrate No.1, Thiruvallur.

Office to note:

IT on 24.01.2025

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