



Crl.O.P.No. 32238 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.32238 of 2024

T.Dheenadayalan

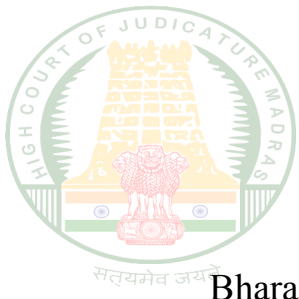
... Petitioner

Vs.

- 1.The Commissioner of Police,
Office of Commissioner of Police,
Vepery, Chennai 600 007.
- 2.The Joint Commissioner of Police,
4th Floor,
V-3, Thirumangalam Police Station Complex,
Chennai 600 040.
- 3.The Deputy Commissioner of Police,
O/o Deputy Commissioner of Police,
6th Avenue, P Block,
Anna Nagar, Chennai 600 040.
- 4.The State Rep. By
The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai 600 030.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the



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Bharatiya Nagarik Suraksha Sanhita, 2023 to direct the fourth respondent to comply the order dated 21.10.2024 passed by the learned V Metropolitan Magistrate, Egmore in Crl.M.P.No.60469 of 2024.

For Petitioner : Mr.M.Vijay Anand

For Respondents : Mr.R,Vinothraja,
Government Advocate.

ORDER

This Criminal Original Petition has been filed to direct the fourth respondent to comply the order dated 21.10.2024 passed by the learned V Metropolitan Magistrate, Egmore in Crl.M.P.No.60469 of 2024.

2. The learned counsel appearing for the petitioner submitted that the petitioner lodged a compliant in C.S.R.No.325 of 2024 before the fourth respondent police alleging that a group of people trespassed into the petitioner's property and threatened the petitioner and his family members to vacate the premises. Even then, the fourth respondent did not register a case as against the accused. Therefore the petitioner filed a petition in Crl.M.P.No.60469 of 2024 under Section 175(3) of BNSS, before the learned V Metropolitan Magistrate, Egmore and the learned



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Magistrate by an order dated 21.10.2024, directed the fourth respondent to conduct a preliminary investigation and if a prima facie case was made out, to proceed the case in accordance with law. Even after receipt of the same, the fourth respondent did not register a case and proceed with the investigation. Hence, he prayed to allow this petition.

3. The learned Government Advocate would submit after the direction issued by the learned Magistrate, the complaint is still pending investigation.

4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. Considering the above facts and circumstances, this Court directs the fourth respondent to register a case as against the accused person as directed by the learned V Metropolitan Magistrate, Egmore in Crl.M.P.No.60469 of 2024 by an order dated 21.10.2024 forthwith and proceed with the investigation in the manner known to law.



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6. With the above direction, this Criminal Original Petition is
allowed.

03.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
shk



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4. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai 600 030.
5. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

shk

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