



Crl.O.P.(MD) No.963 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

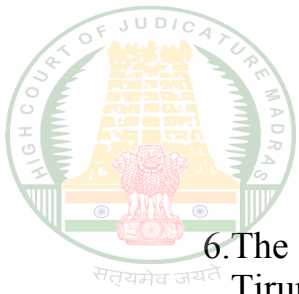
Crl.O.P.(MD) No.963 of 2025

K.Subbaiah

... Petitioner

Vs.

- 1.The Government of Tamil Nadu rep by
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.
- 4.The Central Bureau of Investigation,
Rep by its, Joint Director,
A Wing, III Floor, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.
- 5.The Inspector of Police, C.B.C.I.D.,
Drivers' Colony,
Perumalpuram,
Tirunelveli.



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6.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City,
Tirunelveli District.
(In Crime No.379/2024)

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 seeking a direction to the first respondent to withdraw the entire case diary in Crime No.379/2024 dated 02.12.2024 from the file of the sixth respondent and hand over the same either to the fourth respondent or the fifth respondent and to conduct proper investigation and to file a final report within a time frame as fixed by this Court.

For Petitioner : Mr.Durairaj

For R1 to R3, R5 & R6 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, seeking a direction to the first respondent to withdraw the entire case diary in Crime No.379/2024 dated 02.12.2024 from the file of the sixth respondent, and to hand over the same either to the fourth respondent or the fifth respondent, with a direction to conduct a proper investigation and file a final report within a time frame as fixed by this Court.



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WEB COPY 2. The petitioner lodged a complaint on 01.12.2024 against one Senthil for making provocative speeches causing disharmony between two communities during a public meeting held in front of the Tirunelveli Junction on 01.12.2024. Though the petitioner given a detailed complaint, which was received, only C.S.R.No.445/2024 was assigned, and no action was taken. Meanwhile, the sixth respondent police received a complaint from A.Ramesh Manikandan, the Sub-Inspector of the Tirunelveli Junction Police Station, regarding the same occurrence. This complaint was assigned C.S.R.No.448/2024, and an FIR was subsequently registered in Crime No.379/2024 on 02.12.2024, for offences punishable under Sections 196 and 352 of BNSS, 2023.

3. The contention of the petitioner is that C.S.R.No.445/2024, which was assigned to the petitioner's complaint, was recorded at an earlier point in time. However, the petitioner submitted that the sixth respondent diluted the real substance of the speech made by Senthil in the public meeting and registered the FIR with limited particulars. The petitioner's complaint, on the other hand, contains detailed information that, according to the petitioner, would establish that Senthil committed a



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serious offence. Therefore, the petitioner submitted that an FIR has not been properly registered. Thus, the petitioner has filed this petition.

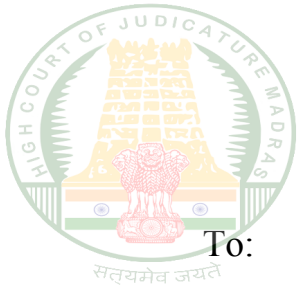
4. The learned Government Advocate (Criminal Side), appearing for the first to third, fifth, and sixth respondents, submitted that an FIR has already been registered in Crime No.379/2024 for the same occurrence. Nine witnesses, who were present at the meeting, have been examined. He fairly submitted that although the petitioner's complaint was submitted earlier, and only a C.S.R. was assigned with no enquiry conducted thereafter, for the same occurrence, summons would be issued to the petitioner, and the petitioner's complaint would be a part of the investigation in Crime No. 379/2024.

5. Recording the above submissions, this Criminal Original Petition stands disposed of.

21.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

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Home, Prohibition and Excise Department,
The Government of Tamil Nadu,
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- 5.The Inspector of Police, C.B.C.I.D.,
Drivers' Colony,
Perumalpuram,
Tirunelveli.
- 6.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City,
Tirunelveli District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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