



CrI.O.P.(MD)No.1273 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.1273 of 2025

A.Karanthamalai

.. Petitioner

Vs

The Inspector of Police,
Thiruppalai Police Station,
Madurai City,
Madurai District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent to comply with the order in Cr.M.P.No.2664 of 2024, dated 15.07.2024, passed by the learned Judicial Magistrate No.II, Madurai within a time as stipulated by this Court.

For Petitioner : Mr. A.Karanthamalai

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the respondent to comply with the order in Cr.M.P.No.2664 of 2024, dated 15.07.2024, passed by the learned Judicial Magistrate No.II, Madurai within a time as stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents police. Perused the materials available on record.

3.It is case of the petitioner that the petitioner has filed a petition in Cr.M.P.No.2664 of 2024 under Section 156(3) of Cr.P.C., and the trial Court, on 15.07.2024 has passed the following order:

“From the averments of the complainant and as well as from the document produced herewith it would clear that there is sufficient grounds to believe that there is commission. of cognizable offences as alleged in the complainant. The nature of offence as narrated in the complainant is necessitated an investigation by an investigating agencies, since there is need of collection of evidences. Hence it is decided to forward the complaint to



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the investigating agency for making investigation.

In the result, this application is forwarded to SHO - Thiruppalai P.S., Madurai, w/s.156(3) Cr.P.C for register FIR and making an investigation according to law. While doing so the investigating agency is directed to follow the dictum laid down in LALITHAKUMART'S Case by the Honorable Apex court. The action taken report should be filed within one month from the date of receiving of this order. With the above order this application is closed.”

However, as on today, the respondent police has not complied with the order of the Court below. Hence, this petition has been filed.

4.The learned Additional Public Prosecutor submitted that in this case, based on the complaint received from the petitioner on 21.02.2024, a case has been registered in Cr.No.208 of 2024, for the offence punishable under Sections 147, 148, 448, 323, 324, 506(2) IPC against the accused persons. The FIR has been registered as against 14 persons and after conclusion of investigation, it has been closed as 'mistake of fact' on 23.02.2024. However, he would concede that the closure report has not been intimated to the Court below and notice has not been served to the petitioner. For the same set of allegations, the



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petitioner has again approached the Court below and suppressed the fact of filing complaint before the respondent police, filed a petition in Cr.M.P.No.2664 of 2024 and obtained an order on 15.07.2024. Hence, prays to dismiss the petition.

5.It is seen from the records and according to the statement of the respondent police, they had closed the complaint given by the petitioner on 22.02.2024, as mistake of fact. However, they had not served either the notice to the petitioner or the closure report to the Court. On the other hand, for the same set of allegations, the petitioner had again filed a petition under Section 156(3) of Cr.P.C before the Court below in Cr.M.P.No.2664 of 2024 and obtained an order, dated 15.07.2024 from the Court, wherein, the respondent police was directed to investigate the complaint given by the petitioner and file a report within a period of one month from the date of receipt of copy of the order.

6.In the interest of justice, this Court hereby set aside the closure report in Cr.No.208 of 2024, dated 23.02.2024 and the order



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passed by the learned Magistrate in Cr.M.P.No.2664 of 2024, dated 15.07.2024. The respondent police is directed to call the petitioner for enquiry, collect all the documents, medical records and conduct further investigation, not only with the petitioner but also with other witnesses, including the injured persons, thereafter, file a report in accordance with law, within a period 3 months from the date of receipt of copy of this order.

7. With the above directions, this Criminal Original Petition stands disposed of.

24.01.2025

NCC: Yes/No
Index: Yes/No
Internet : Yes/No
PNM

To

1. The Judicial Magistrate No.II, Madurai

2. The Inspector of Police,
Thiruppalai Police Station,
Madurai City, Madurai District.

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

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M.NIRMAL KUMAR, J.

PNM

ORDER IN
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