



Crl.O.P(MD)No.2138 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.2138 of 2025

A.Saji Rajan

... Petitioner

Vs.

1.State of Tamil Nadu,
The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S to comply the order made by the learned Judicial Magistrate I, Nagercoil, Kanyakumari District in Crl.M.P.No.5227 of 2024, dated 09.01.2025 and consequently to direct the respondents 1 and 2 to register the case and to investigate.

For Petitioner : Mr.KA.Raamakrishnan
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed by the petitioner to issue direction to comply the order of Judicial Magistrate I, Nagerkoil, Kanyakumari District in Crl.M.P.No.5227 of 2024, dated 09.01.2025 and consequently to direct the respondents 1 and 2 to register the case and to investigate.

2. The learned Counsel appearing for the petitioner would submit that already he filed a petition before the learned Judicial Magistrate I, Nagerkoil, Kanyakumari District in Crl.M.P.No.5227 of 2024 under Section 156 (3) of the Criminal Procedure Code, 1973 and the same was allowed by directing the second respondent / police to hold preliminary enquiry within a period of seven days from receipt of copy of the order and thereafter, if any investigation in accordance with law and shall complete the same within 30 days and shall file compliance report before the Magistrate Court. The said order was passed on 09.01.2025. But so far, no preliminary enquiry was conducted by the second respondent. Therefore, the petitioner approached this Court by way of filing this petition.



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3. The learned Additional Public Prosecutor appearing for the respondents would submit that already they send summons to the petitioner on 27.01.202. The second respondent issued summon to the petitioner to appear before him on 30.01.2025 at about 05.00 P.M but he has not appeared. Hence, prayed to dismiss the petition. In reply, the learned Counsel for the petitioner would submit that the petitioner has not received any summons from the second respondent and even now ready to appear before the respondent for enquiry.

4. Considering the above submissions made by both sides and considering the facts and circumstances of the case, it is appropriate to direct the petitioner to appear before the second respondent on **08.02.2025** for enquiry and the second respondent is directed to conduct the enquiry in accordance with law on merits.

5. With the above said observation, this Criminal Original Petition stands disposed of.

03.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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- To
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Nagerkoil,
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 - 2.The Inspector of Police,
District Crime Branch,
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P.DHANABAL, J.

BTR

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