



Crl.O.P(MD)No.3909 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.3909 of 2025

Kathiresan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Superintendent of Police,
Office of Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.
Cr. No. 56/2024.

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the respondents to re-investigate the FIR in Crime No. 56/2024 on the file of the 2nd respondent in a proper manner and to file final report in accordance with law within stipulated time fixed by this court.



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For Petitioner : Mr.Manimaran.K.R,

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents to re-investigate the FIR in Crime No. 56/2024 on the file of the second respondent in a proper manner and to file final report.

2.According to the petitioner, he is the defacto complainant in this case. There is a money dispute pending between the petitioner and one Kanagaraj since he borrowed money from the said Kanagaraj. At the time of borrowal, the petitioner had produced the original title deeds and promissory notes. After repaying the money, the said Kanagaraj returned the original title deed but did not return the promissory notes. Therefore, the petitioner demanded to return the promissory notes. But, the said Kanagaraj criminally intimidated the petitioner and threatened with dire



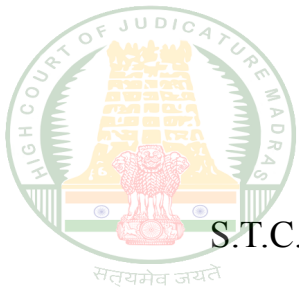
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consequences. Therefore, the petitioner lodged a complaint and based on the complaint, the FIR in Crime No.56 of 2024 was registered. After registration of the present FIR, without conducting proper investigation, the respondent police have filed final report by deleting the name of the said Kanagaraj. Thereafter, the trial Court has taken cognizance of the same, which is now pending in S.T.C.No.94 of 2025 on the file of the learned Judicial Magistrate No.II, Madurai.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the petitioner's complaint, the case in Crime No. 56 of 2024 has been registered against three persons. After investigation, it was found that the said Kanagaraj is not involved in this case and hence, his name was deleted and final report has been filed.

4.Heard both sides and perused the records.

5.The petitioner being the defacto complainant has filed the petition seeking to re-investigate the case in Crime No.56 of 2024 on the file of the second respondent. But already the case is pending in



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S.T.C.No.94 of 2025 before the learned Judicial Magistrate No.II, Madurai and the investigation was already over. The petitioner cannot seek further investigation and the investigation officer has to file appropriate petition before the Magistrate Court, where the case is pending. But the petitioner straight away filed this petition before this Court. The grievance of the petitioner is that he lodged the complaint as against three persons and FIR also registered as against three persons, but charge sheet is filed only against two persons and the name of the main accused is deleted in the charge sheet. As per prosecution, the said first accused Kanagaraj not at all involved in this case. Hence, his name was deleted in the final report

5.Since it was found that the said Kanagaraj is not involved in this case and his name was deleted, it is for the trial Court to issue notice to the defacto complainant for the deletion of the accused. But in this case, no such notice was issued to the petitioner herein. Therefore, the trial Court is directed to issue notice to the respondent in respect of the deletion of the accused and thereafter, decide the case in accordance with law.



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6. With the above direction, this criminal original petition is

disposed of. The petitioner is at liberty to approach the trial Court by filing protest petition, after receipt of notice.

03.03.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No
LR

To

1. The State of Tamil Nadu,
Rep by the Superintendent of Police,
Office of Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.

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

Copy to

The Judicial Magistrate No.II, Madurai.



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P. DHANABAL, J.

LR

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