



CrI.O.P(MD)No.4022 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CrI.O.P(MD)No.4022 of 2025

S.Susenth

... Petitioner

Vs

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

2. The Inspector of Police,
District Crime Branch Police Station,
Karur District.

3. Senthil Kumar

4. Kavitha

5. Anbarasi

6. R.Rameshkumar

7. R.Suresh

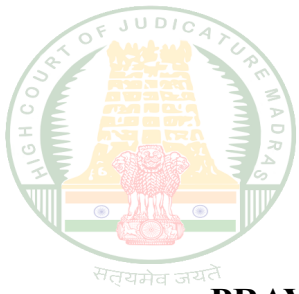
8. Sudhakar

9. Ramachadhran

10. Velu

... Respondents

1/5



CrI.O.P(MD)No.4022 of 2025

WEB COPY

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to direct the 2nd respondent to comply the order in Cr.M.P.No. 955/2024, dated 16.02.2024 passed by the learned Judicial Magistrate No.II, Karur and to register the FIR.

For Petitioner : Mr.A.Azhageson

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

ORDER

This criminal original petition has been filed to direct the 2nd respondent to comply with the order passed by the learned Judicial Magistrate No.II, Karur in Cr.M.P.No.955 of 2024, dated 16.02.2024 and to register an FIR.

2.According to the petitioner, the petitioner has filed a petition before the Judicial Magistrate No.II, Karur under Section 156(3) of Cr.P.C in CrI.M.P.No.955 of 2024 and the learned Magistrate has forwarded the same to the 2nd respondent to investigate the case as per Section 156(3) of Cr.P.C and file a report in accordance with law. But the 2nd respondent without registering an FIR, he has chosen to file a closure report before the concerned Court.



CrI.O.P(MD)No.4022 of 2025

WEB COPY

3.The learned Government Advocate (CrI.Side) appearing for the respondents 1 and 2 would submit that based on the order of the learned Magistrate, the 2nd respondent has conducted enquiry and filed a closure report before the concerned Court.

4.Considering the prayer of the petitioner and the stage of the case is pre-cognizance, no notice is required to the private respondents.

5.This Court heard both sides and perused the records.

6.On perusal of records, it is seen from the records that in the order in Cr.M.P.No.955/2024, dated 16.02.2024, the learned Magistrate has forwarded the petition filed by the petitioner to the 2nd respondent to investigate the case as per Section 156(3) of Cr.P.C and file a report in accordance with law. However, the 2nd respondent has misinterpreted the order and without registering an FIR filed a closure report before the concerned Court. Once the Magistrate passed order under Section 156(3) of Cr.P.C., it is the duty of the 2nd respondent to register a case, thereafter, conduct investigation and file a final report. However, in this case, without



CrI.O.P(MD)No.4022 of 2025

registering an FIR, closure report was filed before the concerned Court and the same is illegal and unsustainable in law.

7.In view of the above, the 2nd respondent is directed to comply with the order of the learned Judicial Magistrate No.II, Karur in Cr.M.P.No. 955 of 2024, dated 16.02.2024 by registering a case and after conducting investigation file a final report in accordance with law.

8.With the above observations, this criminal original petition is allowed.

12.03.2025

Internet :Yes
NCC :Yes/No
PNM

To

1. The Judicial Magistrate No.II, Karur

2. The Superintendent of Police,
Karur, Karur District.

3. The Inspector of Police,
District Crime Branch Police Station,
Karur District.

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

4/5



WEB COPY



CrI.O.P(MD)No.4022 of 2025

P. DHANABAL, J.

PNM

CrI.O.P(MD)No.4022 of 2025

12.03.2025