



Crl.O.P.(MD)No.4694 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.4694 of 2025

Jaikumar Christhuran

... Petitioner

versus

1. The State of Tamilnadu, rep. by
The Superintendent of Police,
Kanyakumari District.

2. The State of Tamilnadu, rep. by
The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

3. Karthick

4. Mariyaseena

5. Maria Johnson
(R3 to R5 are suo motu impleaded
by order dated 18.06.2025)

... Respondents

Prayer : Petition filed under Section 528 of BNSS, seeking a direction to the respondent to comply with the order passed by the learned Judicial Magistrate, Eraniel in Crl.M.P.No.1941 of 2024 dated 20.12.2024 to



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register the case upon the complaint given by the petitioner dated
28.07.2024.

For Petitioner : No appearance

For R1 and R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R3 to R5 : Mr.S.Deenadhayalan

ORDER

The petitioner has lodged a complaint as against one Karthick and four others, before the learned Judicial Magistrate, Eraniel, in Crl.M.P.No.1941 of 2024, seeking a direction under Section 175(3) BNSS. The learned Judicial Magistrate, by order dated 20.12.2024, referred the complaint to the 2nd respondent Police to investigate the matter and register a case. Now, the petitioner has moved this petition seeking a direction to the respondent Police to comply with the order of the learned Judicial Magistrate, Eraniel, passed in Crl.M.P.No.1941 of 2024 dated 20.12.2024.

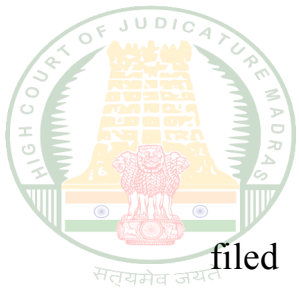


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2. The petitioner claimed that though the learned Judicial Magistrate has issued a direction to the second respondent to investigate into his complaint and register a case, the respondent Police has not taken any steps to comply with the same.

3. When this was taken up for hearing on 11.06.2025, Mr.Deenadhayalan, learned counsel, sought permission of this Court to intervene in this case and submitted that the proposed accused have filed a petition in Crl.M.P.(MD)No.3636 of 2025, seeking to implead them as respondents in this petition. He further submitted that the petitioner has filed this petition by suppressing the material fact. In fact, the proposed accused have filed a criminal revision case before this Court in Crl.R.C. (MD)No.46 of 2025, challenging the order of the learned Judicial Magistrate passed in Crl.M.P.No.1941 of 2024 dated 20.12.2024, wherein, the petitioner herein was also added as a party. The said criminal revision case was allowed by this Court, by order dated 14.03.2025, by setting aside the order of the learned Judicial Magistrate, Eraniel passed in Crl.M.P.No.1941 of 2024 dated 20.12.2024. This order was passed only on 14.03.2025. However, this petition has been



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filed without any reference to the criminal revision case, which was filed by the respondents, in Crl.R.C.(MD)No.46 of 2025.

4. Considering the submissions made by the learned counsel for the proposed accused, this Court directed the learned counsel for the petitioner to explain the reasons for suppressing the criminal revision case filed by the proposed accused before this Court in Crl.R.C.(MD)No. 46 of 2025 and passed over the matter. Thereafter, when the matter was called, the learned counsel for the accused did not appear before this Court. Therefore, this Court directed the Registry to list this matter today. Today, there is no representation for the petitioner.

5. Mr.Deenadhayalan, learned counsel appearing for the proposed accused has produced a copy of the order passed in Crl.R.C.(MD)No.46 of 2025 dated 14.03.2025.

6. The said criminal revision case has been filed by the proposed accused/respondents 3 to 5, challenging the order of the learned Judicial Magistrate, Eraniel, passed in Crl.M.P.No.1941 of 2024, dated



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20.12.2024, This Court, by order dated 14.03.2025, allowed the criminal revision case, by setting aside the order of the learned Judicial Magistrate, Eraniel passed in Crl.M.P.No.1941 of 2024 dated 20.12.2024 and also directed the learned Judicial Magistrate, Eraniel to issue a notice to the first respondent/petitioner herein, hear the parties and pass orders in accordance with law. While so, the petitioner has filed this petition, without any reference to the criminal revision case filed by the respondents 3 to 5 in Crl.R.C.(MD)No.46 of 2025. Further, the petitioner has also not responded to the queries raised by this Court in the earlier occasion.

7. Considering the fact that the petitioner has filed this petition by suppressing the material fact and also considering the conduct the petitioner in not responding to the queries raised by this Court in the earlier, this Criminal Original Petition is dismissed with cost of Rs.10,000/- (Rupees ten thousand only) to be paid by the petitioner, to the credit of Current Account No. 7567821433, (IFSC Code: IDIBI000H040), in the Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai, towards Kalaigiar Centenary



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Library, within a period of two weeks from the date of receipt of a
copy of this order.

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Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

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To

1. The Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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