



Crl.O.P.(MD)No.5401 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :25.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.5401 of 2025

B . Ganesan

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2. The Inspector of Police,
District Crime Branch (DCB-II)
District Superintendent of Police Office,
Madurai.

3. T. Villavankothai

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the 2nd respondent police to implement the order passed in Crl.M.P. No. 4441/2024 by the Learned Judicial Magistrate No.I, Madurai dated 03.12.2024 against the 3rd respondent/accused.

For Petitioner : Mr.S.M.Mohammed Saleem

For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R-3 : Mr.C.Ezhilarasu

ORDER

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner to



Crl.O.P.(MD)No.5401 of 2025

direct the 2nd respondent police to implement the order passed in Crl.M.P. No.4441 of 2024 on the file of the learned Judicial Magistrate No.I, Madurai dated 03.12.2024 against the 3rd respondent.

2. According to the petitioner, he filed a petition under Section 173(3) of BNSS, 2023 and the same was ordered on 03.12.2024 by directing the police to expedite the enquiry and complete the same within two months from the date of receipt of a copy of this order. During the course of the enquiry, if any cognizable offence made out subject to the guidelines given by Hon'ble Apex Court in *Lalita Kumari Case [(2014) 2 SCC 1]*, the respondent shall take action in accordance with law. In the event of closure of the complaint, a copy of the closure report shall be furnished to the petitioner immediately on such closure. On receipt of the same, it is open to the petitioner to seek his remedy in the manner known to law. In spite of the above order passed by the learned Judicial Magistrate, the 2nd respondent has not taken any steps and therefore, he has filed this petition to implement the order of the Trial Court dated 03.12.2024.

3. The learned Government Advocate (Criminal Side) appearing for the respondents no.1 and 2 would submit that since they are unable to complete the enquiry within the stipulated time fixed by the learned Judicial



Crl.O.P.(MD)No.5401 of 2025

Magistrate, the 2nd respondent has filed an application for extension of time and the same is pending with the learned Judicial Magistrate No. I, Madurai.

4. The learned counsel appearing for the 3rd respondent has also not disputed the pending application for extension of time.

5. The prayer of the petitioner is to comply the order of the Trial Court dated 03.12.2024, but the 2nd respondent has filed an application for extension of time before the learned Judicial Magistrate-I, Madurai. Therefore, it is for the Trial Court to decide the same in accordance with law. Since an application is pending for extension of time, it is not appropriate to pass any orders by this Court. In view of the same, this Criminal Original Petition is closed.

25.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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CrI.O.P.(MD)No.5401 of 2025

P. DHANABAL, J.

Mac

To

1. The Judicial Magistrate-I, Madurai
2. The Superintendent of Police,
Madurai District.
3. The Inspector of Police,
District Crime Branch (Dcb-II)
District Superintendent of Police Office,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.5401 of 2025

25.03.2025