

Crl.O.P.(MD)No.5448 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.5448 of 2025

Raguvaran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police,
Ramanathapuram District.

2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

3. Raja

4. Babu

5. Jesintha Mary

6. Jeniffar

7. Nithya

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the 2nd respondent to comply the order in Cr.M.P.No.45 of 2025 on the file of the Judicial Magistrate No.II, Ramanathapuram dated 01.02.2025 to investigate and file a report within a stipulated time.



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For Petitioner : Mr.M.Sivashankar

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

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the 2nd respondent to comply the order passed in Cr.M.P.No.45 of 2025 dated 01.02.2025 on the file of the learned Judicial Magistrate No.II, Ramanathapuram.

2. According to the petitioner, he filed a petition before the learned Judicial Magistrate No.II, Ramanathapuram under Section 175(3) of BNSS and the same was forwarded to the 2nd respondent, but no action was taken. Therefore, he has filed this petition.

3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that after the order passed by the learned Judicial Magistrate, they put up a note before the Superintendent of Police for obtaining necessary order as per the instruction of the Higher Authorities and now the same is pending with the 1st respondent for consideration. Therefore, he seeks fifteen days time to comply the order.

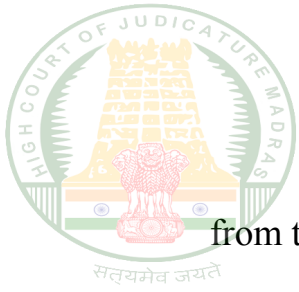


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4. Considering the limited prayer sought for in this petition, this

Court even without issuing notice to the private respondents no.3 to 7 inclined to pass orders in this petition.

5. According to the petitioner, he filed a petition before the learned Judicial Magistrate No.II, Ramanathapuram, under Section 175 (3) of BNSS, and the same was allowed by an order dated 01.02.2025 and the same was forwarded to the 2nd respondent, but the 2nd respondent has not taken any steps. According to the 2nd respondent, they received the copy of the order and put up a note before the Superintendent of Police, and they will obtain an order from the Superintendent of Police and comply the order within one week. It is well settled law that once the Magistrate has passed an order under Section 175 (3) of BNSS, it is a judicial order and immediately, the respondents have to comply the order of the Court. But, unfortunately no any F.I.R has been registered and the order of the Trial Court has not been complied by the respondents so far. As obtaining order from the Superintendent of Police is an internal communication, the respondents cannot keep on pending only for approval from the Superintendent of Police. Therefore, the 2nd respondent is directed to comply the order of the learned Judicial Magistrate No.II, Ramanathapuram, in Cr.M.P.No.45 of 2025 dated 01.02.2025 within a period of one week



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from the date of this order.

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6. With the above said observation and direction, this Criminal
Original Petition is allowed.

25.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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P. DHANABAL, J.

Mac

To

1. The Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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