



Crl.O.P.(MD)No.10202 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10202 of 2025

M.Kanagaraj

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai - 9.

3. Ganesh S.Nathan

4.Enjal

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to direct the respondents 1 & 2 to comply the order passed by the learned Judicial Magistrate No.1 Madurai in Crl.MP.No.4705/2024 dated 10.12.2024 and also take necessary action against the petitioner's complaint dated 20.03.2024.

For Petitioner

: Mr.S.Arivalagan

For R1 & R2

: Mr.P.Kottaichamy,
Government Advocate(Crl.side)



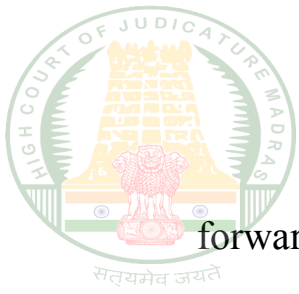
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ORDER

This petition has been filed to direct the official respondents to comply the order passed by the learned Judicial Magistrate No.1 Madurai in Crl.MP.No.4705/2024 dated 10.12.2024 and also take necessary action against the petitioner's complaint dated 20.03.2024.

2.The learned counsel appearing for the petitioner submits that the petitioner has lodged a complaint before the respondent Police that the respondents 3 & 4 received a sum of Rs.6,00,000/- for arranging a job for his son in Southern Railway and cheated him. The respondent Police failed to register a case and therefore, the petitioner filed a complaint before the learned Judicial Magistrate No.I, Madurai under Section 175(3) BNSS and the learned Magistrate by order dated 10.12.2024, forwarded the complaint to the respondent Police for an enquiry and to register a case. Though the complaint was forwarded for registering a case, the respondent Police has not registered any case.

3.The learned Government Advocate(Crl.side) appearing for the respondents 1 & 2, on instructions, submits that based on the complaint



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forwarded by the learned Magistrate, a case in Cr.No.367 of 2025 has been registered on 17.06.2025 for the offence under Section 420 IPC.

Further, he submits that the Bank details have been collected and verified before registering the case and therefore, there is a delay in registering the case.

4.This Court has considered the submissions made on either side and perused the materials available in the record.

5.The victim can lodge a complaint before the Police and in the event if the complaint constitutes any cognizable offence, then the Police has to take steps to register a case. If the Police Officer is not registering a case, alternative remedy is provided to the victim to lodge a complaint before the Superintendent of Police. Thereafter only, a remedy is available to lodge a complaint before the learned Magistrate.

6.In this case, the petitioner lodged a complaint before the learned Magistrate. The learned Magistrate, after satisfying with the materials, has issued a direction to the respondent Police to register a case, by order dated 10.12.2024. This petition is filed on 12.06.2025. Only thereafter,



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the respondent Police has registered a case on 17.06.2025.

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7.Though the respondent Police is justifying the delay that they have collected materials from Bank about the transaction, it appears that the case has not been registered for nearly six months and there is no explanation from the respondent Police for the same.

8.Considering the manner in which the complaint of the petitioner was dealt by the respondent Police, this Court directs the Commissioner of Police, Madurai City, Madurai to withdraw the case in Cr.No.367 of 2025 from the file of the second respondent and to entrust the same to the some other sincere Officer with a direction to conclude the investigation as expeditiously as possible. Accordingly, this criminal original petition is disposed of.

25.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Theppakulam Police Station,
Madurai - 9.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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