



CRL.MP.(MD)No.13688 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.11.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.MP.(MD)No.13688 of 2025
in CRL.OP.(MD)No.9479 of 2024

Beer Mohamed

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.

2.The State rep. by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(In Crime No.12 of 2024)

3.Syed Hakeem
4.Syed Rishwan
5.Jahir Husain
6.Syed Ibrahim
7.Beer Mohamed

... Respondents

Prayer : Criminal Miscellaneous Petition filed under 528 BNSS, to recall the order passed by this Court in CRL.OP.(MD)No.9479 of 2024 dated 28.06.2024 and dismiss the criminal original petition.



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For Petitioner : Mr.Raja.Karthikeyan
For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate(Crl.side)
For R3 : Mr.K.Navaneetha Raja
For R4 to R7 : No Appearance

ORDER

This petition has been filed to recall the order passed by this Court in CRL.OP.(MD)No.9479 of 2024 dated 28.06.2024.

2.The petitioner has lodged a complaint before the respondent Police on 03.11.2023 and has also filed an application before the learned Judicial Magistrate No.II, Ramanathapuram in Crl.MP.No.672 of 2024 for referring his complaint for investigation. The learned Magistrate, by order dated 15.03.2024 has directed the respondent Police to enquire into the petitioner's complaint dated 03.11.2023. The petitioner with a grievance that even after the directions of the learned Magistrate, the respondent Police has not registered the case, has filed a petition before this Court in CRL.OP.(MD)No.



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9479 of 2024 seeking a direction to the respondent Police to register his complaint as directed by the learned Magistrate. On 28.06.2024, when the said petition was taken up for hearing, the learned Government Advocate(Crl.side), on instructions, submitted that after conducting an enquiry on the petitioner's complaint they have found that the complaint is a false one and they have also submitted a closure report on 13.05.2024. Recording this submission, the above said petition was closed on 28.06.2024 with a direction to the respondent Police to furnish a copy of the closure report to the petitioner enabling him to file a protest petition, within a period of two weeks from the date of receipt of a copy of the order. This criminal miscellaneous petition has been filed by the petitioner to recall the said order dated 28.06.2024.

3.The contention of the petitioner is that the respondent Police has not conducted the enquiry properly and they have closed the complaint as if the petitioner has not responded to the enquiry. However, they have made a submission before this Court that they have found the complaint to be a false one and therefore, they have closed the complaint on 13.05.2024. This



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submission is contrary to the report dated 13.05.2024 and therefore, it amounts to perjury. Hence, the learned counsel for the petitioner insisted for recalling the earlier order passed by this Court in CRL.OP.(MD)No.9479 of 2024 dated 28.06.2024.

4.The learned Government Advocate(Crl.side) appearing for the official respondents submits that the petitioner herein has lodged various complaints before the Superintendent of Police, Ramanathapuram in the months of November, December 2023 and January 2024. These complaints lodged by the petitioner were forwarded by the Superintendent of Police to the District Crime Branch as under:-

- 1)N.Ref.No.G3/25915/1973/2023 dated 03.11.2023
- 2)N.Ref.No.G3/26520/2654/2023 dated 16.11.2023
- 3)N.Ref.No.G3/0975/71/2024 dated 10.01.2024

The petitioner has also lodged a complaint before the learned Judicial Magistrate No.II, Ramanathapuram in Crl.MP.No.672 of 2024 seeking a direction to take action on his complaint dated 03.11.2023 and the same was ordered on 15.03.2024 directing the Inspector of Police, District Crime



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Branch to enquire and to take action. Pursuant to the order of the learned Magistrate, Mrs.Thendral, Inspector of Police, District Crime Branch has conducted an enquiry by summoning both parties and the Investigating Officer has come to a conclusion that the entire transaction took place in Malaysia and there was no transaction in India and that this petitioner has not produced any documents to support his complaint. Therefore, the Inspector of Police has closed the complaint of the petitioner that there is no scope for registering FIR.

5.The learned Government Advocate(Crl.side) further submits that in the petition filed by the petitioner in CRL.OP.(MD)No.9479 of 2024, this Court, while recording the submissions made on behalf of the respondent Police, has also permitted the petitioner to file a protest petition as against the enquiry conducted by the Inspector of Police, by its order dated 28.06.2024. However, the petitioner has not invoked the same and has not filed any protest petition, instead, he has filed another complaint before the Superintendent of Police on 04.07.2024 and the Superintendent of Police referred this complaint to the Inspector of Police, Thondi Police Station, in-



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charge of District Crime Branch, and this Inspector of Police registered a case, on 05.07.2024, in Cr.No.12 of 2024 for the offence under Sections 406, 465, 471, 420, 448, 506(i) IPC.

6. According to the learned Government Advocate(Crl.side), there is no scope for this petition to recall the earlier order passed by this Court. This Court has passed the earlier order based on the enquiry report of Mrs.Thendral, Inspector of Police, District Crime Branch, whereas now the above said criminal case in Cr.No.12 of 2024 has been registered by Mrs.S.Elavenil, Inspector of Police, Thondi Police Station, in-charge of District Crime Branch. The learned Government Advocate(Crl.side) has also relied on the recent judgment of the Hon'ble Supreme Court in SLP(Crl.)No. 3425 of 2022 dated 20.08.2025 and submits that the power of criminal Court to review or alter its own judgment or order is governed by the provisions of Section 362 Cr.P.C., and it can be reviewed only if there is any clerical and arithmetical error.

7. This Court has considered the submissions made on either side and perused the available records.



8.The petitioner is the complainant in Cr.No.12 of 2024. He has filed this petition to recall the earlier order passed by this Court in CRL.OP.(MD)No.9479 of 2024 dated 28.06.2024. The said criminal original petition has been filed by the petitioner for taking action on his complaint dated 03.11.2023, based on the directions of the learned Judicial Magistrate No.II, Ramanathapuram in Crl.M.P.No.672 of 2024 dated 15.03.2024.

9.From the submissions of the learned Government Advocate(Crl.side) it appears that the complaint of the petitioner, which was forwarded by the learned Magistrate, was enquired by Mrs.Thendral, Inspector of Police, District Crime Branch, Ramanathapuram. Fact remains that the Inspector of Police has closed the complaint without registering FIR. However, the petitioner has managed to prefer another complaint before the Superintendent of Police, Ramanathapuram and the Superintendent of Police has mechanically forwarded the said complaint, similar to the forwarding of the earlier complaints in the year 2023 and 2024. This time, another Inspector of Police, namely Mrs.Elavenil, in-charge of District Crime Branch, registered a case based on the complaint forwarded by the



Superintendent of Police, on 05.07.2024 in Cr.No.12 of 2024 for the offence under Sections 406, 465, 471, 420, 448, 506(i) IPC.

10.Registration of the complaint by another Inspector of Police on the direction of the Superintendent of Police cannot be a ground to recall the earlier order passed by this Court. There is no error in the order passed by this Court. This Court by its order dated 28.06.2024 directed the Inspector of Police, District Crime Branch to furnish a copy of the closure report to the petitioner enabling him to workout his remedy by filing a protest petition before the learned Judicial Magistrate. However, the petitioner has not acted upon the same, since he is having an easy remedy before the Superintendent of Police. Therefore, he preferred another complaint before the Superintendent Police and the Superintendent of Police, without any application of mind, has simply forwarded the same to another Investigating Officer and this Investigating Officer has chosen to register the complaint.

11.These facts and circumstances of this case would expose the manner in which the Police Department is functioning. The Superintendents of



Police are simply entertaining the complaints directly and forwarding the same in a mechanical manner. In fact, as per the Code of Criminal Procedure [Bharatiya Nagarik Suraksha Sanhita], the process begins with the lodging of information regarding the commission of a cognizable offence before the Station House Officer (SHO) under Section 154(1) CrPC [Section 173(1) BNSS]. The officer is duty-bound to register the information and commence investigation. In case the SHO refuses to record the information, the aggrieved person may submit the same in writing to the Superintendent of Police / Commissioner of Police or other superior officer under Section 154(3) CrPC [Section 173(3) BNSS], requesting necessary action. If no action is taken even at the supervisory level, then the person may approach the jurisdictional Magistrate under Section 156(3) CrPC [Section 175(1) BNSS], seeking a direction to the police to investigate the matter.

12.The Superintendent of Police while entertaining the complaint, ought to have verified as to whether the complainant has lodged a complaint before the concerned Inspector of Police or not. If the complainant has lodged the complaint before the concerned Inspector of



Police and it has not been taken cognizance by the Inspector of Police, then, as an administrative authority over the District on the police, the Superintendent of Police is expected to take action as against the concerned Inspector of Police by initiating a disciplinary proceedings for having violated the provision under Section 154 of CRPC[173 BNSS]. However, it is not made in this case and it also not made in any of the Districts.

13.The Superintendent of Police is conferred with the power to receive complaint only under Section 154(3) CrPC [Section 173(3) BNSS] and they are not supposed to receive the complaint as that of District Collector, who is receiving petitions on grievance day. In the event, if any of the Inspector of Police has not taken cognizance of any complaint and the Superintendent of Police has come to a conclusion that the complaint lodged by the petitioner or other person constitute a cognizable offence, which needs to be investigated, then the Superintendent of Police ought to have initiated disciplinary proceedings as against the Inspector of Police. Such instances suggest a departure from due process in Police functioning, underscoring the need for course correction to restore the dignity and institutional



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credibility. It is hoped that the higher authorities will appreciate this concern and take appropriate corrective measures. There is no scope to recall the earlier order passed by this Court in CRL.OP.(MD)No.9479 of 2024 dated 28.06.2024. Accordingly, this criminal miscellaneous petition is dismissed.

05.11.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

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

3.Additional Director General of Police (Law and Order),
Chennai.



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B.PUGALENDHI,J

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