



Crl.O.P.(MD)No.21939 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.21939 of 2024

Subbaiah

.. Petitioner

Vs.

The Inspector of Police
Sankarankovil Town Police Station
Tenkasi District

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent herein to comply the order dated 05.06.2024 in Cr.M.P.No. 475 of 2024 on the file of the learned Judicial Magistrate, Sankarankovil and consequently register First Information Report based on the complaint given by the petitioner dated 21.03.2024 within the stipulated time.

For Petitioner : Mr.C.R.Ponnuthai

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent herein to comply the order dated 05.06.2024 in Cr.M.P.No. 475 of 2024 on the file of the learned Judicial Magistrate, Sankarankovil and consequently register First Information Report based on the complaint given by the petitioner dated 21.03.2024 within the stipulated time.

2. According to the petitioner one Mahalakshmi, the Proprietor of Right Sai Consultancy in Tenkasi assured to get a MBBS seat in Philippines, for which the petitioner paid a sum of Rs. 8 lakhs as advance through bank transaction, thereafter he failed to arrange medical seat in Philippines. When the petitioner requested to refund the amount the said Mahalakshmi paid a sum of Rs.4,99,800/- and the balance amount is yet to be paid. Therefore he had lodged a complaint before the respondent police on 15.12.2023, no action has been taken. Thereafter on 21.03.2023 sent a representation to the Superintendent of Police, Tenkasi to take appropriate action but no response. Thereafter he has filed a petition under Section 156(3) and 190(1) of Cr.P.C before the learned Magistrate, Sankarankovil seeking direction to register First Information Report and the learned



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Magistrate also directed the Station House Officer to conduct detailed enquiry and file a report . The police has not conducted enquiry hence the present petition has been filed.

3. The learned Government Advocate(Crl.Side) appearing for the respondents would submitted that the as per the direction of the learned Magistrate they conducted detailed enquiry and submitted a report. As per the enquiry report the petitioner filed a complaint and the same was enquired. During enquiry it was found that the entire occurrence had taken place within the jurisdiction of Tenkasi, thereby the earlier complaint was forwarded to the Tenkasi police Station and now for the same set of allegations the present complaint has been filed. Thereafter they filed final report before the Judicial Magistrate to that effect.

4. According to the petitioner he filed a petition in Crl.M.P.No.475 of 2024 before the learned Magistrate under Section 156(3) of Cr.P.C and the learned Magistrate also directed to conduct detailed enquiry and file a report. According to the respondent based on the direction of the learned Magistrate they conducted enquiry and filed a report. As per the report the jurisdiction police is Tenkasi where the transaction had taken place and



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the same was decided in the earlier complaint given by the petitioner.

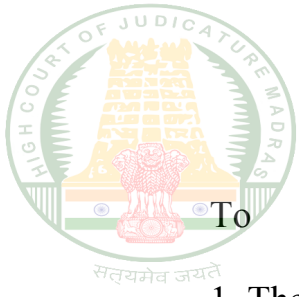
Again for the same set of allegations this petition has been filed. The police have also filed a report before the learned Magistrate. Therefore it is for the magistrate to pass appropriate orders based on the report filed by the respondent police.

5. The limited prayer of the petitioner is to comply with the order dated 05.062024 in Cr.M.P.No. 475 of 2024 and consequently direct the respondent to register First Information Report. Since already order has been passed by the learned Magistrate to the respondents to file a report it is for the petitioner to wait till orders to be passed by the learned Magistrate and based on the order passed by the Magistrate the petitioner can act in accordance with law. Therefore the present petition is unnecessary one and is liable to be dismissed.

6. In the result, the Criminal Original Petition stands dismissed.

10.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Inspector of Police
Sankarankovil Town Police Station
Tenkasi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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